

Refutation of

**ABOO
BASEER
AT-TARTOOSEE**

**and his Deviated Concepts
of Taaghoot and Takfeer**

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الرد على أبي بصير في كتابه
(الطاغوت)
وبحوث علمية في مسألة التكفير

Refutation of
Aboo Baseer
at-Tartoosee
and his Deviated Concepts of
Taaghoot and Takfeer¹

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¹ Abridged from Abee Noor bin Hasan bin Muhammad al-Kurdee, *Shadh an-Nasaal fi'r-Rad'alaah Ahl ud-Dalaal: Hiwaar al-Mad'oo Abee Baseer fee Kitaabihi 'Taaghoot' wa Buhooth 'Ilmiyyah fee Mas'alat it-Takfeer* [Sharpening the Blade in Refuting the People of Misguidance! Debating the Arguments of the one called Aboo Baseer and his book 'at-Taaghoot', with an Academic Study of the Issue of Takfeer]. The original Arabic work can be downloaded here: <http://www.sahab.org/books/book.php?id=341>

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Indeed, all praise is due to Allaah, we praise Him, we seek His aid, and we ask for His forgiveness. We seek refuge in Allaah from the evil of our actions and from the evil consequences of our actions. Whomever Allaah guides, there is none to misguide and whoever Allaah misguides there is none to guide. I bear witness that there is no god worthy of worship except Allaah and I bear witness that Muhammad is the servant and messenger of Allaah.

To proceed:

The youth of the Muslim *Ummah* have been tested today by ideas which are not new ones but rather old ones which originated during the first generation of Islamic history. These ideas have been revamped today by a group which emerged from the school of thought of *Ikhwaan ul-Muslimeen* ['The Muslim Brotherhood'] with Sayyid Qutb at the head. However, the *Shayaateen* from the humans and Jinn have revived these ideas and beautified them, deceptively dressing them in the gowns of *Salafiyyah* in order to deceive the Muslims. These corrupted ideas and beliefs are not connected to *Salafiyyah* at all, rather they are the ideas of the Khawaarij even if it is covered with something else, as the name does not change the reality at all. They agree with the Khawaarij in making *takfeer* of those who commit major sins and the reason for this goes back to a number of issues: the dearth of knowledge and lack of understanding of the *deen* and of the principles of the Divine Legislation in particular upon which *da'wah* to Allaah with insight is based. They are misguided and they misguide others by not adhering to the way of the believers and following their intellects and desires. Allaah has blinded their insight, they went astray and they lead others astray.

The first spark of this group, as I mentioned previously, was during the time of the Prophet (*sallallaahu alayhi wassallam*) as reported by al-Bukhaaree and Muslim via Abee Sa'eed al-Khudree (*radi Allaahu 'anhu*) wherein he said: When the Prophet (*sallallaahu alayhi wassallam*) was dividing the booty, 'Abdullaah bin Dhi'l-Khuwaysarah at-Tameemee came and said: "Be just O Messenger of Allaah!" the Prophet (*sallallaahu alayhi wassallam*) replied "Woe to you! Who is just if I am not just?" 'Umar (*radi Allaahu 'anhu*) said: "Shall I strike his neck (i.e. execute

him) O Messenger of Allaah?" The Prophet (*sallallaahu alayhi wassallam*) replied: "Leave him, for he has companions whose prayer will make your prayer seem significant and whose fasting will make your fasting seem insignificant. They will pass through the *deen* like an arrow passes through its target. He would look at its Iron head, but would not find anything ticking) there. He would then see at the lowest end, but would not find anything sticking there. He would then see at its grip but would not find anything sticking to it. He would then see at its feathers and he would find nothing sticking to them (as the arrow would pass so quickly that nothing would stick to it) neither excrement nor blood..." to the end of the *hadeeth*.¹

Then these ideas manifested another time and with a stronger image after the death of the rightly guided Caliph 'Uthmaan bin 'Affaan (*radi Allaahu 'anhu*) and their evil and harmful effects did not cease as their innovation increased with some of them exceeding others until they will revolt with the Dajjaal. Then also you should know that the Khawaarij are not particular to only those people that are highlighted in the *hadeeth* which has just been mentioned. Shaykh ul-Islaam Ibn Taymiyyah (*raheemahullaah*) stated:

They are not specified to only those people (meaning: those who revolted against 'Ali, *radi Allaahu 'anhu*) because it is highlighted in other *hadeeth*² that they will still revolt until the time of the Dajjaal and the Muslims have agreed that the Khawaarij are not specified as only being that group.³

The Imaams of the *deen* generation after generation have extensively warned against the dangers of this ideology from its initial spark and al-Bukhaaree (*raheemahullaah*) had a chapter in his *Saheeh* entitled 'The Killing of the

¹ Bukhaaree (*hadeeth* no.6933) and Muslim (*hadeeth* no. 1064)

Translator's Note: The remainder of the *hadeeth* is as follows: "They would be recognised by the presence of a black man among them whose upper arms would be like a woman's breast, or like a piece of meat as it quivers, and they would come forth at the time when there is dissension among the people. Abu Sai'd said: I testify to the fact that I heard it from the Messenger of Allah (may peace be upon him), and I testify to the fact that 'Ali b. Abu Talib fought against them and I was with him. He gave orders about that man who was sought for, and when he was brought in, and when I looked at him, he was exactly as the Messenger of Allah (may peace be upon him) had described him."

² Ibn Taymiyyah intends here the *hadeeth* of 'Ali (*radi Allaahu 'anhu*) that one of the signs of the Khawaarij is the black man whose upper arms would be like a woman's breast, or like a piece of meat as it quivers.

³ *Al-Fataawa*, vol.28, p.496

Khawaarij and Deviants after the Proofs had been established on them' and the saying of Allaah,

(وَمَا كَانَ اللَّهُ لِيُضِلَّ قَوْمًا بَعْدَ إِذْ هَدَاهُمْ حَتَّىٰ يُتَّقَنُ لَهُمْ مَا يَتَّقُونَ)

“And Allaah will never lead a people astray after He has guided them until He makes clear to them what they should avoid.”

{at-Tawbah (9): 115}

Then he classified from Ali ibn Abee Taalib that he said: I heard from the Messenger of Allaah that he said “*A people will emerge at the end of time who will be young in age and foolish minded and will have the speech of the best of creation. Eemaan will not reach beyond their throats and they will pass through the deen just like an arrow passes through its target, wherever you find them kill them because in killing them is a reward on the Day of Judgement.*”

Then know akhee Muslim: the issue of the Khawaarij is not only about the matter of revolting against the leader, because the transgressors revolt against the just and unjust leader without having to be ascribed to the Khawaarij. Because they are transgressors they fight for their transgression and they have specific rulings which the people of knowledge have mentioned in matters of *fiqh* etc. as for the Khawaarij then their transgression is much wider as they revolt against the rulers and the ruled after making *takfeer* of them, therefore, this is the issue of the Khawaarij on the *Ummah*. As for those who call to revolt against the leaders today who oppose the Messenger of Allaah’s clear and authentic forbiddance of rebellion, are followers of the ideology of Sayyid Qutb who did not suffice with only fighting the leaders rather they fight against the Islamic *Ummah* after making *takfeer* of them for obeying the rulers, as they claim. They gain nearness to Allaah by shedding Muslim blood, using their money and taking their honours. Shaykh ul-Islaam Ibn Taymiyyah said: **“The Khawaarij emerged and split the people of Jama’ah and made their blood and wealth halaal.”**

Our research here is a refutation of one of the *Ruwaybidah* who holds this ideology today known as 'AbdulMun'im Mustaphaa Haleemah (Aboo Baseer at-

Tartoosee).¹ He has authored a variety of books with well-known titles and he uses explicit language which has not been seen before from the *Usool* of the *Ahl*

¹ A Syrian *takfeeree* propagator who is now based in Lewisham, south-east London. Aboo Baseer attempted to 'debate' Imaam Muqbil (*raheemahullaah*) some time ago in Dammaaj and thus was heavily refuted by Imaam Muqbil for his *takfeeree manhaj*. He also has his own site entitled '*altartosi*' which is but a presentation of his own ideas and '*fataawaa*', yet explains absolutely nothing about where he studied or from which scholars he has sat with!!? He is closely connected in ideology to the likes of Aboo Muhammad al-Maqdisee and Aboo Ithaar and his lectures have recently been translated at the websites of 'Islambase.co.uk', 'The Path to Paradise' website and also here: <http://www.en.altartosi.com/> Aboo Baseer has even issued a '*fatwa*' on the Saudi state which can be read on the *tibyaan* (*tughyaan!*) website and other *takfeeree* websites!? Within the so-called 'religious verdict' Aboo Baseer notes about Saudi Arabia that:

"[a] It is a regime that does not rule by what Allah has revealed in every aspect of life, particular and general, rather it is a regime that rules by what Allah revealed in certain cases to the exclusion of other cases... it believes in part of the Book and disbelieves in part... and this may be noticed easily by anyone who would like to observe the Saudi legal system... and this contradicts many of the Shar'i texts that obligate referring the judgement back to the Book and the Sunnah in every aspects."

Aboo Baseer then says:

"[b][c] It is a racist, nationalist regime that allies or opposes on the basis of relation with the nation. It divides rights and obligations among the slaves of Allah on the basis of relation with the Saudi nation and its borders, and not on the basis of relation with the 'Aqidah and the religion...in the same manner as any other Arab regime. And this is clear Kufr (Kufr Bawah) as the Saudi Permanent Committee (al-Lajnah ad-Da'imah) for Ifta' have themselves said in one of their Fataawa..."

Then he says:

"And they were correct in that, however our question to these esteemed ones is this: Is not the Saudi regime like this? Is it other than what you have described? Is it not that the Kafir, Zindeeq (heretic) Saudi – because of his nationality and his connection with the Saudi state – enjoys certain rights, favours, and privileges that "Shaykhul-Islam" from outside Sa'udiyyah does not? The problem of single unmarried women has reached its peak, yet along with that – according to the law – the Saudi woman is not allowed to be married to a man with whose religion and character she is pleased if he does not belong to the borders of the Saudi nation... and likewise, the Saudi man is not allowed to marry outside Sa'udiyyah until he has reached a certain advanced age, along with fulfilling certain conditions, and after receiving special royal permission, for which Allah has not sent down any authority..."

Following up with:

"It is a regime which along with its army has not shown any support – whether real or pretended – towards any of the important issues facing the Muslims today... Show me a single Islamic Jihadi movement that wished to establish an Islamic life in their

countries and lift the oppression of the Tawagheet, that the Saudi regime or its army – not the Muslim Saudi population – provided help or support?... Tell me – if only once – that the Saudi regime and its army have ever shown anger for the sake of Allah and the 'Aqidah... just once!...A regime that shows no anger for the sake of Allah, not even once... and does not show alliance and enmity for Allah's sake, not even once... how can it be called Islamic? How?" (!!)

Then we find in his *'fatwa'*:

"So all of these faces together – and there are many more that we have not mentioned – bring us to the certain conclusion that the Saudi regime is an un-Islamic, Kafir regime... Islam is in one valley, and the regime of Al Sa'ud is in another valley. Likewise, everyone who supports, protects, and defends this regime from among the kings, princes and other than them from their associates who carry out their will, they are all Kuffar and apostates. And it is not befitting for anyone who knows the religion of Allah and who knows the reality of this regime and its supporters to doubt this fact."

(!!!)

Then Aboo Baseer tries to cover his tracks by saying that he is not generalising (!) and that Saudi Arabia is a Muslim society and that people are "**ignorant of their reality**" (as if he knows "the reality"!?) and that people "**only see the good side of Saudi Arabia.**"

Then Aboo Baseer concludes with, the definitive evidence and indication of his *khaarijiyyah*, by saying:

"[5] So if it is said: Does the Kufr of the regime necessitate going out (Khuruj) against it? (i.e. fighting it and overthrowing it) I say: Yes, from the Shar'i perspective it is Wajib (obligatory) to go out against it, however from the practical perspective, this has certain conditions, stages, and necessary preparations, and I do not see that it should be done before the fulfillment of these conditions, stages and necessary preparations. And one of them is that the idea of going out against the Kufr regimes should be the dominant idea among the majority of the Muslims. And until the time that these are fulfilled, there is no objection according to the Shari'ah – if you find the ability and are safe from a greater evil occurring – to acting on this, by eliminating – on an individual basis – those whose Fitnah is threatening the lands and the people, from among the ruling Tawagheet of Kufr and injustice, and putting the people and the land to rest from them... for eliminating one of the ruling Tawagheet of Kufr and injustice and removing him from the path of the people is easier than effecting a rebellion and overthrowing the entire regime along with all of its special organisations!" (!!!)

Hereby justifying assassinations and murder! And in all of this so-called *'fatwa'* we can see that Aboo Baseer 'AbdulMun'im Mustaphaa Haleemah at-Tartoosee has not even brought one *hadeeth* to justify his position or any statements from the Imaams of the *salaf* or the scholars throughout history!!! So beware!

Last year Aboo Baseer 'AbdulMun'im ibn Mustaphaa Haleemah at-Tartoosee (based in Lewisham, south-east London) refuted those who resort to suicide bombing in London and 'Ammaan. Some argue that this was done as Aboo Baseer wanted to free himself from such terrorist actions and due to his fear of being implicated with such actions. In any case, he remains one of the main *takfeeree* theoreticians. So even

us-Sunnah wa'l-Jama'ah, relying on the statements of Sayyid Qutb. In addition to this, he lies against the scholars and cuts up their texts, distorting them and omitting some of their words. The result of this is corruption and opposing the Book of Allaah and the Sunnah of His Messenger (*sallallaahu alayhi wassallam*) and the understandings of the Imaams of the *deen*. The issue of ruling by other than what Allaah has revealed is from the main vocab of the ideology of this *takfeeree* and the most dangerous, because he applies *takfeer* to the rulers and the ruled without explanation and accusing his opponents of *irjaa'* and *tajabbum* with no shame. The *Khawaarij* are well-known for this issue, al-Jassaas said: The *Khawaarij* interpreted this verse,

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ)

“And whoever does not judge by what Allah has revealed – then it is those who are disbelievers.”

{al-Maa'idah (5): 44}

...In order to make *takfeer* of the rulers who leave ruling by what Allaah has revealed without rejection of it and they make *takfeer* on account of this of everyone who disobeys Allaah out of major or minor sins.¹

Abu'l-Madhfar as-Sama'aanee (*rabeemahullaah*) said:

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ)

though he openly now rejects suicide bombings in the UK he calls for revolt and 'taking out' those "who get in the way" within Muslim countries?

Aboo Baseer in Part 7 of a series of lectures entitled 'Conditions of *La ilaha il-Allaah*', which can be downloaded from the '*Islambase.co.uk*' and '*The Path to Paradise*' websites, after 1 hour and 4 minutes relates an uncorroborated story wherein he at first says took place "in one of the Arab countries" and then after says that an Imaam used to make *du'aa* for the king and was thus given 1 million Saudi Riyals/£200,000 as a gift. So he says this took place "in one of the Arab countries" then proceeds to say that the currency was Saudi Riyals – so he intends Saudi Arabia obviously yet did not clearly say it! Secondly, what is the source of this story? Thirdly, see Aboo Baseer's intense hatred against Saudi Arabia to the extent that he even uses that which is not affirmed and uncorroborated. Then he claims that the scholars cannot call to *tawheed*, in, as he insinuates, Saudi Arabia!! [TN]

¹ *Ahkaam ul-Qur'aan*, vol.2, p.439

“And whoever does not judge by what Allah has revealed – then it is those who are disbelievers.”

{al-Maa’idah (5): 44}

Baraa’ bin ’Aazib said, and it is also the saying of al-Hasan, ‘the verse is about the Mushrikeen, Ibn ’Abbaas said: the verse is about the Muslims and the intent is *kufr* less than *kufr* and I know that the *Khawaarij* use this verse as a proof and say whoever does not rule by what Allaah has revealed is a disbeliever. The people of Sunnah say – he does not disbelieve by leaving off ruling.¹

I also bring to attention that this man is not known for knowledge by the *’Ulama* and it is not known which under scholars be studied with. He only became known after his opposition to the sayings of the major scholars from the noble people of knowledge, as is said, “The opposer is known.” If you contemplate on the condition of this man you will find the description of the Prophet (*sallallaahu alayhi wassallam*) can be applied to him, just as what is mentioned in the *hadeeth* of ’Ali ibn Abbee Taalib (*radi Allaahu ’anhu*):

Hudathaa ul-Asnaan (young in age): a nickname for youth during early youth and are not mature enough to know the truth.²

Sufahaa’ ul-Ahlaam (foolish minded): meaning: in intellect and “foolish” in that they are deficient in intellect and are ignorant.

Imaam Maalik said “Knowledge is not taken from a person of desires who calls the people to his desires.”³

He (i.e. Aboo Baseer) is not well-regarded from the angle of knowledge and learning and he is not specialised in the sciences of the Divine Legislation as he did not study with the well-grounded scholars who take their knowledge from the Book and the Sunnah in line with the understanding of the Companions and those who follow them. rather, he increased in misguidance by opposing the scholars whose virtue has been testified to and he accuses the Shaykh, *Muhaddith, al-’Allaamah* Muhammad Naasirudeen al-Albaanee (*raheemahullaah*) with *Irjaa’* and *tajahbum*.

¹ *Tafseer ul-Qur'aan*, vol.2, p.42

² Ibn ul-Atheer al-Aajooree, *Jaami’ ul-Usool fee Ahaadeeth ar-Rasool*, vol.10, p.82

³ Al-Haakim, *Ma’rifat Uloom ul-Hadeeth*, p.135

(كُبُرَتْ كَلِمَةٌ تَخْرُجُ مِنْ أَفواهِهِمْ إِنْ يَقُولُونَ إِلَّا كَذِبًا)

“Mighty is the word that comes out of their mouths, they utter nothing but a lie.”

{al-Kahf (18): 5}

Aboo Haatim ar-Raazee (*rabeemahullaah*) stated: “The hallmarks of Ahl ul-Bidaa’ are to curse Ahl ul-Athar.” This was transmitted by Imaam al-Laalikaa’ee in *Sharh Usool Ittiqaad Ahl us-Sunnah*, vol.1, p.39. Ibn ul-Qattaan said: “There is not an innovator in this world except that he hates the Ahl ul-Hadeeth.”¹

Aboo Baseer is ignorant of the fact, or feigns ignorance, or he is heedless, or feigning heedlessness, that Shaykh Muhammad Naasiruddeen (*rabeemahullaah*) refuted *Irjaa’* over a quarter of a century ago in his book *’Aqeedah Tabawiyah: Sharh wa Ta’leeq*, p.66:

“*Eemaan* is attestation of the tongue and belief of the heart:

This is the madhdhab of the Hanafiyyah and Matureediyyah in contrast to the Salaf and the majority of the *Ummah* such as Maalik, ash-Shaafi’ee, Ahmad, al-Awza’ee and other than them. Indeed, they added to the attestation and belief: action of the pillars and the difference between the two madhdhabs is not an artificial one, then how can it be correct that the stated difference is an artificial one while they permit the most degenerate one from amongst them to say: “My *eemaan* is like the *eemaan* of Abu Bakr as-Siddeeq”?! Rather similar to the Prophets, Messengers, Jibraa’eel, Mikhaa’il, may the peace and blessings of Allaah be upon them all?!! How can it be while they, in accordance with this madhdhab of theirs, do not permit anyone of them, no matter if he is a disobedient degenerate, to say: “I am a believer, if Allaah, the Most High, wills” instead he says: “I am truly a believer”?!

While Allaah says:

(إِنَّمَا الْمُؤْمِنُونَ الَّذِينَ إِذَا ذُكِرَ اللَّهُ وَجَلَتْ قُلُوبُهُمْ وَإِذَا ثُلِيتْ عَلَيْهِمْ آيَاتُهُ زَادَتْهُمْ إِيمَانًا وَعَلَى رَبِّهِمْ يَتَوَكَّلُونَ

الَّذِينَ يُعَيِّمُونَ الصَّلَاةَ وَمِمَّا رَزَقَنَاهُمْ يُنْفِقُونَ

¹ Imaam as-Saaboonee, *’Aqeedat us-Salaf As-haab ul-Hadeeth*, p.102, no.163

أُولَئِكَ هُمُ الْمُؤْمِنُونَ حَقّاً

“Indeed the believers are those who when Allaah is mentioned their hearts tremble and when His verses are recited to them it increases them in eemaan and upon their Lord do they place their trust. Those who establish the prayer and spend out of what we have provided them with. Those are truly the believers.”

{al-Anfaal (8): 2-4}

On the basis of all of this they have exceeded the proper boundaries in their fanaticism so they stated that whoever makes *Istithnaa'* regarding *Eemaan* then he has disbelieved. They built upon this that it is impermissible for the *Hanafee* to marry a *Shaafii'ee* woman! Some of them overlooked this, they claimed, it is permissible but not the opposite and the reasons for that is his statement that she is given the status of the people of the book! I know an individual from the *Hanafee* scholars whose daughter was proposed to by a man from the *Shaafii'ee* scholars so he rejected it saying: **“if only you were not a Shaafii'ee.”** Consequently, after all this is there any place for doubt that the point of difference is haqeeqee?! Whoever wants elaboration upon this issue then let him refer to the *Shaykhul-Islaam ibn Taymiyyah*'s book *al-Eemaan* for indeed it is the best of what has been authored regarding this topic.¹

Many of the Muslim youth today have been deceived by this man (Aboo Baseer at-Tartoosee) and have begun to regurgitate what he says and give in to what he spreads without proof and evidence. So as a result, I deemed it necessary that a refutation of this man be written and about how he transgresses against the Sunnah and its Imaams in a way which necessitates the pen to be unleashed unrepentantly. What can be observed about this man is:

- ✓ His ignorance of the sciences of the Divine Legislation and a lack of *fiqh* in the *deen*.
- ✓ His misguidance in the *manhaj* of correct deductions and extracting deductions from the texts and referring them back to what they do not indicate, void of principles from the Divine Legislation. He is also ignorant

¹ From the translation of Aboo Hayyaan Salaal bin 'AbdulGhafoor, see: http://www.salafimanhaj.com/pdf/TheMurjiahOfTheEra_ebook.pdf

of the understandings of the *Salaf* and has a lack of concern with the principles of deduction from the point of the general, specific, absolute, restricted and the likes. He also has a lack of consideration for the principles of weighing up the benefits and harms (of situations).

- ✓ Unrestricted *takfeer* without taking into consideration the principles of the Divine Legislation and without *fiqh* and verification in making *takfeer* of the leaders and the ruled. He has a lack of differentiating between an original disbeliever and one who is attached to Islaam and has established the 2 *Shahaadahs* and establishes some of the symbols of Islaam while falling into some actions of the disbelievers.
- ✓ His mixing between absolute and general *takfeer* and specific *takfeer* and a lack of differentiating between the two.
- ✓ His ignorance of the issues related to the excuse of ignorance wherein the proof has to be established upon a person except if it is more than likely that the person is excused.
- ✓ His reliance on Sayyid Qutb's *takfeeree* statements and his books and upon others with deviant *manhaj*.
- ✓ His taking the lead in affairs of *da'wah* and commanding the good and forbidding the evil with no knowledge, *fiqh* or experience!
- ✓ Bad manners with the *'Ulama* and *Mashaayikh* and cursing them.
- ✓ His entry into dangerous issues and matters which are only understood by the scholars.
- ✓ His searching out the errors of the scholars and notables, yet at the same time he is quiet about the misguidance and deviance of those who fell into major innovation such as Sayyid Qutb and his brother Muhammad Qutb and those who reel around them.

Finally I say to you (O Abaa Baseer!) fear Allaah and safeguard your ignorance and repent to your Lord and if not then keep quiet! Now on to our refutation of some of his statements or rather of his tremors and ignorance and Allaah is the One who guides to the truth by His Permission.

AT-TAAGHOOT

This is the title of one of his books and within it he relied on the statements of Sayyid Qutb as Aboo Baseer transmits a number of issues from Qutb's books.¹ He is thus greatly influenced by Sayyud Qutb and has intense love for Sayyid Qutb and this is manifest by his great use of Sayyid's words. If a person falls in love with something his love blinds him from anything else and he becomes deaf to listening to anything else. How can one be upon the true *manhaj* when one bases his book on the school of thought of Sayyid Qutb who has strange views of the Sunnah and resembles the ideology of the Khawaarij? Those Qutbees have no relation at all to the Imaams of the *Salaf* such as Ibn Taymiyyah, Ibn ul-Qayyim and others even though they claim to, but this claim is only to misguide people. The Prophet (*sallallaahu alayhi wassallam*) said,

(الأرواح جنود مجندة، فما تعارف منها اختلف وما تناكر منها اختلف)

*"The souls are like recruited soldiers, those that recognise each other will come together and those that do not recognise each other will not come together."*²

Shaykh ul-Islaam Ibn Taymiyyah stated:

وَصَاحِبُ الْهَوْىٰ يَعْمِلُ الْهَوْىٰ وَيَصْمِمُهُ فَلَا يَسْتَهِنُ بِمَا لَهُ وَرَسُولُهُ فِي ذَلِكَ وَلَا
بَلْ عَوْلَىٰ يَغْضُبُ لِغَضْبِ اللَّهِ وَرَسُولِهِ عَيْطَلَبُهُ، وَلَا يَرْضُى لِرَضَا اللَّهِ وَرَسُولِهِ
يَرْضُى إِذَا حَصَلَ مَا يَرْضَاهُ بِهَوَاهُ وَيَغْضُبُ إِذَا حَصَلَ مَا يَغْضُبُ لَهُ بِهَوَاهُ".

The person of desires is blinded and deafened by his desires...he is not pleased for the pleasure of Allaah and His Messenger, he is not angered for the sake of Allaah and His Messenger, rather he is pleased if his desires are fulfilled and is angered if his desires are upset.³

¹ Aboo Baseer in Part 4 of a series of lectures entitled 'Conditions of *La ilaha il-Allaah*', which can be downloaded from the 'Islambase.co.uk' and 'The Path to Paradise' websites, claims after 48 minutes that some scholars today have still not yet declared kufr in *taaghoot*! He also says "**Your scholars know the meaning of *taaghoot* and you have no excuse of ignorance, the moment you work on their behalf you have not come with the meaning of Kufr bi't-Taaghoot.**" [TN]

² Saheeh Bukhaaree and Muslim

³ *Minhaaj us-Sunnah*, vol.5, p.256

This is what we observe from Aboo Baseer's writings as he revives every misguidance of Sayyid Qutb such as:

- ✓ Reviling the Prophet Moosaa (*alayhis-salaam*)
- ✓ Denying the Attributes of Allaah
- ✓ Socialism
- ✓ *Wahdat ul-Wujood*
- ✓ The Qur'aan being created
- ✓ Abusing the Companions
- ✓ Making *takfeer* of Muslim societies
- ✓ Confusion about the miracles of the Prophet
- ✓ Considering the Qur'aan in light of music, theatrics and cinema
- ✓ Rejecting ahead narrations into '*aqeedah*'
- ✓ Reviling the scholars and those who the *Ummah* have attested to their knowledge, virtue and understanding.

They are free from him and to Allaah is the complaint! Even if this man (i.e. Aboo Baseer) at times tries to extract proofs via referring to the statements of the scholars when it agrees with his desires, the *manhaj* of the people of innovation in extracting proofs is that when they find a saying of the scholars of the true *manhaj* which apparently agrees with their desires they run with it and rely on it, even if the scholar has a second saying which clarifies the issue that is found within another subject in the scholar's works. Ash-Shaatibee (*rabeemahullaah*) stated:

The hallmark of this affair is to reject a different opinion....and having partisanship to what he is upon without referring to anything else. This is the origin of following desires and if following of desires is manifest then it is truly censured and sin is gained as a result.

I say: This man (Aboo Baseer at-Tartoosee) and those like him from the people of desires use the proofs of the Divine Legislation according to their desires, this does not mean that they are people who follow the proofs because they make their desires the reference point and the proofs have to fall in line with their desires. The texts of the Divine Legislation contain that which is unspecific and it is

possible to interpret them in ways which are not intended from the speech of Allaah and His Messenger (*sallallaahu alayhi wassallam*). If this is combined with ignorance, as it the condition of this man (Aboo Baseer) and his likes, of the principles of the Divine Legislation and a lack of understanding its intended meanings. In this case, it is possible that the extraction of proofs and understanding will be not as how Allaah and His Messenger (*sallallaahu alayhi wassallam*) intended. Ash-Shaatibee said:

"والدليل على ذلك أنك لا تجد مبتدعاً من ينسب إلى الملة إلا وهو يستشهد على بدعته بدليل شرعى فينزله على ما وافق عقله وشهوته، وهو أمر ثابت في الحكمة الأزلية التي لا مرد لها؛ قال تعالى:

The evidence for this is that you will not find an innovator who ascribes himself to a religion except that they try to use a Divinely Legislated proof for their innovation and they refer such proofs back to their own intellects and desires. This is verified in the eternal wisdom which cannot be rejected, Allaah says

(يُضِلُّ بِهِ كَثِيرًا وَيَهْدِي بِهِ كَثِيرًا)

"He misleads many thereby and guides many thereby."

{al-Baqarah (2): 26}

وقال:

And Allaah says,

(كَذَلِكَ يُضِلُّ اللَّهُ مَن يَشَاءُ وَيَهْدِي مَن يَشَاءُ)

"Thus does Allaah leave astray whom He wills and guides whom He wills."

{al-Mudaththir (7): 31}

لكن؛ إنما ينساق لهم من الأدلة المتشابهة منها لا الواضح، والقليل منها لا الكثير، وهو أدل الدليل على اتباع الهوى؛ فإن المعمض والجمهور من الأدلة إذا دل على أمر بظاهره فهو الحق، فإن جاء على ما ظاهره الخلاف فهو النادر والقليل، فكان من الحق الظاهر رد القليل إلى الكثير والمتشابه إلى الواضح، غير أن الهوى زاغ بمن أراد الله زيفه، فهو في تيه من حيث يظن أنه على الطريق؛ بخلاف غير المبتدع؛ فإنه جعل الهدایة إلى الحق أول مطالبه وأخر هواه - إن كان - فجعله بالتبغ، فوجد جمهور الأدلة ومعظم الكتاب وأصحاً في الطلب الذي

بحث عنه، فوجد الجادة، وما شذ له عن ذلك فاما أن يرده إليه، وأما أن يكله إلى علمه ولا يتكلف البحث عن تأويله.

However, they refer to the unspecific verses and not the clear verses with rare marginal understandings and not the understandings of the majority, a telling proof of following desires. This is because most of the evidences which are understood apparently are true and what is taken apparently opposes those rare marginal understandings. So it is the haqq to refer to what is apparent in order to return the marginal understandings back to the majority view and to return the unspecific verses back to what is clear. This is as opposed to allowing his desires to dictate and deviate from what Allaah has intended and lead him to think that he is on the right path. In this way seeking the truth is primary and one's desires is put at the rear, so that he follows and finds that the most of the evidence and the Book is clear in seeking what he is looking for.¹

I say: The books of Sayyid Qutb contain major innovations and much falsehood and such beliefs are more dangerous to the youth than poisoned fruit and weapons of mass destruction! Because they destroy the creed and actions, so until when will this extremism for Sayyid, his personality, writings and ideas continue?!

Jama'aat ut-Takfeer, Jama'aat ul-Jihaad, Jama'aat ut-Tabayyun wa't-Tawaqquf, the Suroorees and the Qutbees only began and developed based on the ideas of Sayyid Qutb. If a youth wants to practice Islaam these groups refer him to the books of Sayyid Qutb, this is what we see and this is attested to by some virtuous people and others who used to be with them and even from the likes of Yoosuf al-Qaradaawee, Fareed 'AbdulKhaaliq, 'Ali Jareeshah and other friends of Sayyid Qutb who have warned from the ideology of Sayyid Qutb at-Takfeeree and their statements will be mentioned to you shortly. So have you awoken from your heedlessness O you who have raised Sayyid to the level of the Prophet (*sallallaahu alayhi wassallam*), so read with justice his books and how they are filled with innovation and misguidance! Then warn the youth from the *manhaj* of this man, how long will this partisanship go on for? Shaykh ul-Islaam says:

¹ Ash-Shaatibee, Saleem bin'Eeid al-Hilaalee (ed.), *al-Ttisaam*, vol.1, pp.177-78.

"ولهذا تجد قوماً كثيرين يحبون قوماً ويبغضون قوماً لأجل أهواه لا يعرفون معناها ولا عدليلها، بل يوالون على اطلاقها، أو يعادون من غير أن تكون منقوله نقاً صحيحاً عن النبي وسلف الأمة، ومن غير أن يكونوا هم يعقلون معناها، ولا يعرفون لا زمها ومقتضها"

For this reason you will find that many people love a people, or hate a people, due to desires which they neither understand nor have evidence for. Rather they have allegiance based on these desires or they have enmity based on these desires which are neither transmitted correctly from the Prophet (*sallallaahu alayhi wassallam*) nor from the Salaf of the *Ummah* and without themselves thinking about the intended meanings of these evidences when they really do not know what they are based on.¹

Then this man (Aboo Baseer) comes and extracts evidences for Sayyid Qutb's sayings and the sayings of his brother Muhammad Qutb in the dangerous issue of *haakimiyyah* and establishing the Divine Legislation of Allaah on the earth, in Allaah we place our trust and He is the Best Guardian. Here we must stop at the *manhaj* of Sayyid Qutb as we realise that it is also the *manhaj* of this man (Aboo Baseer)! For the hearts resemble each other and the path is one and the same, as is said,

*Birds of a feather,
flock together*

ABOO BASEER, HAAKIMIYYAH AND TAKFEER OF MUSLIM SOCIETIES

Aboo Baseer and those who reel around him from the *Khawaarij* of the era who talk in the name of concern for Islaam, have no doubt been affected by the old innovation of making *takfeer* due to sins and they went overboard in accusing the Muslims of *kufir* to an extent which even the original *Khawaarij* did not reach! If the original *Khawaarij* were distinguished by being the first to depart from the

¹ *Majmoo' al-Fataawaa*, vol.20, p.163

Prophetic methodology then the grand-children of the *Khawaarij* today have mixed this with the ideas of Machiavelli!¹

Aboo Baseer and his likes request that the rulers rule by what Allaah has revealed and make *takfeer* of them if they rule by other than it,² yet the likes of Aboo Baseer do not judge by what Allaah has revealed in understanding the texts!! May Allaah suffice us from this false propaganda! Does not the disputed allegation about the *tawaagheet* apply to yourselves and make to become *tawaagheet* in that you have made for yourselves oppressive regulations and you abuse and curse the 'Ulama and imagined them to have *irjaa, tajabbum*, a lack of explaining the truth, sitting with the rulers, being employees, spies and arguing on behalf of “the *tawaagheet*” and other void accusations?

The main reason for the deviation is their putting their desires before the texts and putting their own selves before the people of knowledge. They were preceded by Dhu'l-Khuwaysarah as he was the first to object to the Prophet (*sallallaahu alayhi wassallam*) saying “Be just O Messenger of Allaah!”³ Imaam Ahmad reported in his *Musnad* that a man from 'Abd Aalaaf who was with the Khawaarij and then left them: The Khawaarij entered a village and 'Abdullaah bin Khabbaab came out and said to them “By Allaah, you have frightened me.’ They said ‘Are you 'Abdullaah ibn Khabbaab the companion of the Messenger of Allaah?’ he replied: ‘yes.’ They said: ‘Did you hear any hadeeth from your father that he had reported from the Messenger of Allaah (*sallallaahu alayhi wassallam*)?’ He replied ‘Yes, I heard him report from the Messenger of Allaah that he said that during *fitna* ‘The one who is sitting is better than the one who is standing, the one who is standing is better than the one who is walking, the one who is walking is better than the one who is running.’” Then they asked him if he

¹ Niccolò Machiavelli was born in 1469 CE and died in 1527 CE and his book *The Prince* was utilised by politicians and studied as a manual for governance and guidance. Within the book Machiavelli outlines how the divided Italian states of his day should unite and that this should be based on “the end justifies the means” and emphasises that any noble principles and characteristics should be abandoned when seeking to achieve the desired goal.

² Aboo Baseer in Part 10 of a series of lectures entitled ‘*Conditions of La ilaha il-Allaah*’, which can be downloaded from the ‘*Islambase.co.uk*’ and ‘*The Path to Paradise*’ websites, states “...**they have no eemaan if they do not rule by Allaah in all aspects of life.**” [TN]

³ Bukhaaree (6933) and Muslim (1063)

was present during the arbitration between 'Ali and Mu'awiyah and when he replied that he was present they ruled that he was a disbeliever due to being present and they chopped off his head. Then they took the pregnant mother of his child and cut open her stomach killing her and tearing out the unborn baby.¹

The Messenger of Allaah (*sallallaabu alayhi wassallam*) spoke the truth when he said "*they kill the people of Islaam and leave the idol-worshippers.*" I say: What is with you that you do not listen to, or study, the true *manhaj* of the people of truth and go to them, take from them and take the lead based on their views so as to stop your harm to Islaam and the Muslims and so as not to combine both the oppression of the enemies and the confusion of Islaam's children. In this way the Khawaarij became famous by blood-shed without a care and they used to be ready in waiting stopping people in the highways and no one was safe from them. When they used to leave a place it was as if they did not differentiate between those who deserve to be punished and those who did not because they viewed everyone who opposed them as having no weight in terms of their blood and in this way they left off the Sunnah of guidance and followed the leaders of oppression.

Aboo Baseer stated in his book *at-Taaghoot*:

"إن كان العبد يتحاكم في جميع شؤون حياته الخاصة والعامة إلى شرع الله فهو عبد الله عز وجل، وإن كان يتحاكم إلى شرع غيره - أيًا كان هذا الغير - ولو في جزئية من جزئيات حياته فهو عابد لهذا الغير وداخل في عبادته من أوسع أبواب العبادة، وسر ذلك أن الحكم والتشريع وسن القوانين والقيم والموازين يعتبر من أخص خصوصيات الإلهية، فمن ادعاء لنفسه من دون - أو مع - الله عز وجل فقد ادعى الإلهية، وزعمها لنفسه اختصاصاً وعملاً، وجعل من نفسه نذأ الله عز وجل في أخص خصوصياته، وبالتالي من أقر له بهذا الحق وتحاكم - من دون أو مع الله - فهو داخل في عبادته من دون الله أقر بذلك أم لم يقر، علم أو جهل".

"If the servant of Allaah judges in all affairs of his life, specifically and generally, by the Divine Legislation of Allaah, then he is a servant of Allaah. If he judges by another legislation, whatever it may be, even in an aspect of his life, then he is a servant of that and included as a worshipper of it. This is

¹ Musnad Ahmad, vol.5, p.110

because judgement, legislation and making laws is considered to be the most unique quality of divinity, so whoever calls to himself other than, or with, Allaah has called to divinity and claimed for himself a particular unique quality and action and has made himself a partner with Allaah in the most unique quality. **Following on from this, whoever goes along with this and refers judgement, to other than or with Allaah, has entered into the worship of him other than Allaah. This is whether a person acknowledges this or not, knowingly or ignorantly.**¹

I say: This kind of speech is mere emotion and incitement which Aboo Baseer has taken from Sayyid Qutb wherein he said:

"إن من أطاع بشرًا في شريعة من عند نفسه، ولو في جزئية صغيرة، فإنما هو مشرك وإن كان في الأصل مسلماً ثم فعلها؛ فإنما خرج بها من الإسلام إلى الشرك.. مهما بقي بعد ذلك يقول: (أشهد أن لا إله إلا الله) بلسانه، بينما يتلقى من غير الله، ويطيع غير الله"

"Whoever obeys a man in legislating, even in a small aspect, is a Mushrik even if the person is a Muslim and then does it, he has left Islaam for shirk despite whatever may remain of him saying 'Ashadu an la ilaha il-Allaah' with his tongue, because he has accepted other than Allaah and obeys other than Allaah." (Dbilaal, vol.3, p.1198)

This is nothing but *takfeer* of Islamic societies and this is rejected from a number of angles:

1. They have been tested by this extremism due to a sick understanding of the texts and a disregard of adhering to the *manhaj* of the *Salaf*. This is what their forefathers, the Khawaarij, fell into, because they made *takfeer* of a group of Companions who had been promised Paradise such as 'Ali ibn Abee Taalib (*radi Allaahu anhu*) and used as a proof the general verse which is,

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ)

"And whoever does not judge by what Allah has revealed – then it is those who are disbelievers."

{al-Maa'idah (5): 44}

¹ *At-Taaghoot*, p.26

Shaykh ul-Islaam Ibn Taymiyyah (*rabeemahullaah*) said¹:

If even during the time of the Messenger of Allaah and the rightly guided Caliphs there were those who ascribed themselves to Islaam who had great acts of worship but the Prophet (*sallallaahu alayhi wassallam*) instructed to kill them. This is because he knew that ascribing to Islaam and the Sunnah during those times would emerge from those who try to use the Qur'aan and Sunnah to the extent that some claim the Sunnah when they are not from its people and rather pass through it. This is due to: extremism, which Allaah has censured in His Book saying

(يَا أَهْلَ الْكِتَابِ لَا تَعْلُوْا فِي دِينِكُمْ وَلَا تَقُولُوا عَلَى اللَّهِ إِلَّا الْحَقُّ إِنَّمَا^١
الْمَسِيحَ عِيسَى ابْنُ مَرْيَمَ رَسُولُ اللَّهِ وَكَلِمَتُهُ أَلْقَاهَا إِلَى مَرْيَمَ وَرَوْحٌ
مِّنْهُ)

“O People of the Scripture, do not commit excess in your religion or say about Allaah except the truth. The Messiah, Jesus, the son of Mary, was but a messenger of Allaah and His word which He directed to Mary and a soul [created at a command] from Him.”

{an-Nisaa (4): 171}

To where Allaah said,

وَكَفَىٰ بِاللَّهِ وَكِيلًا

“And sufficient is Allaah as Disposer of affairs.”

{an-Nisaa (4): 171}

And Allaah says,

(يَا أَهْلَ الْكِتَابِ لَا تَعْلُوْا فِي دِينِكُمْ غَيْرَ الْحَقُّ وَلَا تَتَبَعُوْا أَهْوَاءَ
قَوْمٍ قَدْ ضَلُّوا مِنْ قَبْلُ وَأَضْلَلُوا كَثِيرًا وَضَلُّوا عَنْ سَوَاءِ
السَّبِيلِ)

“O People of the Scripture, do not exceed limits in your religion beyond the truth and do not follow the inclinations of a people who

¹ *Majmoo' al-Fataawaa*, vol.3, pp.383-84

had gone astray before and misled many and have strayed from the soundness of the way.”

{al-Maa'idah (5): 77}

The Prophet (*sallallaahu alayhi wassallam*) said:

(إياكم والغلو في الدين فإنما أهلك من كان قبلكم الغلو في الدين)

“Beware of extremism in the religion, for those before were destroyed due to extremism in religion.”¹ The *hadeeth* is *Saheeh*.

2. *Takfeer* ‘of the rulers especially and of the *Ummah* generally, whether they attest to that or not, knowingly or out of ignorance’. The origin of this statement is in connecting the conditions of the Muslims in an abode of Islaam to the conditions of its leaders, this is one of the manifest principles of the *khawaarij*.
3. (Aboo Baseer displays) a lack of making excuses due to ignorance and establishing the proof, in the same way as Sayyid.
4. Yes, it is true that legislation and ruling in a matter for the affairs of the *dunya* are only for Allaah and are particular to Allaah. But whoever contradicts this, whether ruler or ruled, but does not make it lawful or reject the obligation of ruling by the Divine Legislation of Islaam, and without mocking it and the likes, is not a disbeliever. There is no disagreement about this among the people of Sunnah, so the one who commits *zinaa* is not made *takfeer* of except if he makes *zinaa balaal*. The person who drinks alcohol is not to be made *takfeer* of, neither for *zinaa*, drinking alcohol, or ruling by other than what Allaah has revealed, but for things such as prostrating to idols, abusing the *deen* or mocking the Qur'aan. Ibn Taymiyyah (*raheemahullaah*) stated in *Minhaaj us-Sunnah*, vol.5, p.130:

”ولا ريب أن من لم يعتقد وجوب الحكم بما أنزل الله على رسوله فهو كافر، فمن

استحل أن يحكم بين الناس بما رأه هو عدلاً من غير اتباع لما أنزل الله فهو كافر،

فإنه ما من أمة إلا وهي تأمر بالحكم بالعدل، وقد يكون العدل في دينها ما رأه

أكابرهم، بل كثير من المنتسبين إلى الإسلام يحكمون بعاداتهم التي لم ينزلها الله -

سبحانه وتعالى - كسوالف البدية، وكأمر المطاعين فيهم، ويررون أن هذا هو الذي

¹ Reported by Ahmad and also verified by al-Albaanee in *as-Saheehah*, *hadeeth* no.1238

ينبغي الحكم به دون الكتاب والسنة!... [و]كثير [من الناس] أسلموا، ولكن مع هذا لا يحكمون إلا بالعادات الجارية لهم التي يأمر بها المطاعون، فهو لاء إذا عرروا أنه لا يجوز الحكم إلا بما أنزل الله فلم يلتزموا بذلك بل استحلوا أن يحكموا بخلاف ما أنزل الله فهم كفار وإن كانوا جهالاً كمن تقدم أمرهم" اهـ.

There is no doubt that the one whose does not believe in the obligation of ruling by what Allaah has revealed to His Messenger is a disbeliever. Whoever makes it lawful to rule the people by what he thinks is justice and not following what Allaah has revealed is a disbeliever. There is no nation except that it orders ruling with justice and sometimes justice, as perceived by its senior leaders, can exist in its religion. Many of those who ascribe themselves to Islaam judge by their customs that Allaah has not revealed. This is like the traditional customs of the Bedouins and the chiefs were obeyed in this regard and they used to consider that it was desirable to rule by such customs without referring to the Book and the Sunnah, this is kufr. As many people became Muslim but they did not rule except by their traditional customs which were passed down to them and which were ordered by those leaders who they obeyed. So if they know that it is not allowed to rule except by what Allaah has revealed and did not adhere to that but in fact declared it to be lawful for themselves to rule in opposition to what Allaah has revealed, then they are disbelievers. And if not (i.e. did not declare it lawful) then they are merely ignorant people as has been mentioned prior about them.

I say: They obeyed their leaders and chiefs because they viewed justice according to what their chiefs said it was and they followed the customs and laws of the Bedouins just like how the laws today are used by the rulers and are ingrained within them and their minds if they are not written in their constitutions. For that reason, Shaykh ul-Islaam Ibn Taymiyyah did not make *takfeer* of them unless they declared it lawful and with the condition that they know it is not permissible to rule except by what Allaah has revealed. So do you see how Shaykh ul-Islaam Ibn Taymiyyah ruled them as having Islaam if they do not know that it is not permissible to rule by anything except what Allaah has revealed? Also can you see how Ibn Taymiyyah ruled them as having Islaam even though they only judged by

traditional customs which had been passed down like man-made laws? So where are the Khawaarij of the era in comparison to Ibn Taymiyyah and the 'Ulama of Islaam?

Therefore, the issue of ruling and referring to other laws for judgement according to Shaykh ul-Islaam Ibn Taymiyyah, and which is the school of thought of the Companions and the Imaams after them, is that merely referring judgement to other than the Divine Legislation is not disbelief rather it is disobedience and kufr less than kufr. The explanation is also found in an answer within the *Fataawaa* of the *Lajnah ad-Daa'imah* (fatwa no.5741)¹ in answer to the question: Whoever does not rule by what Allaah has revealed, is he a Muslim or a disbeliever who has committed major kufr whose actions will not be accepted?

Answer:

All praise is due to Allaah and may prayers and peace be upon His Messenger, his family and companions, to proceed: Allaah says,

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ)

“And whoever does not judge by what Allah has revealed – then it is those who are disbelievers.”

{*al-Maa'idaah* (5): 44}

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ)

“And whoever does not judge by what All h has revealed then it is those who are the wrongdoers.”

{*al-Maa'idaah* (5): 45}

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ)

¹ When it was headed by Imaam Bin Baaz (*raheemahullaah*), with Shaykh 'AbdurRazzaaq al-Afeefee its deputy and with Shaykhs 'Abdullaah Ghudayyaan and 'Abdullaah bin Qu'ood as members. See *Fataawaa of the Permanent Committee for Research and Verdicts*, compiled by Shaikh Ahmad bin 'AbdurRazzaaq ad-Duwaish, Volume1 (Aqidah), Question No. 11 of Fatwa No.5741. [TN]

“And whoever does not judge by what All h has revealed then it is those who are the defiantly disobedient.”

{al-Maa’idah(5): 47}

However, if he makes that lawful and believes that it is allowed then he has committed major kufr, major dhulm and major fisq which expels him from the religion. But if he did it due to a bribe or for any other reason yet he believes that it is prohibited then such a person is sinful and is considered a disbeliever in that he has committed minor kufr, and has committed minor dhulm and minor fisq. Such a person has not left the fold of the religion as the people of knowledge have explained in the tafseer of these verses. With Allaah is success and may peace and prayers be upon our Prophet Muhammad, his family and companions.

Shaykh ’Abdul’Azeez Bin Baaz (*raheemahulaah*) emphasised this again in his commentary of *Nawaqid ul-Islaam* of Shaykh Muhammad ibn ’AbdulWahhaab (*raheemahullaah*)¹ wherein he said:

Included in the fourth category is whoever believes that a system or man-made laws which people implement are better than the Divine Legislation of Islaam, or that the Islamic system should not be applied in the 20th Century, or that the Islamic system is the reason for the Muslims being backward, or he restricts the individuals connection with his Lord to some affairs of life. Also in the fourth category includes whoever regards the rule of Allaah in cutting the hand of the thief, stoning the married adulterer etc., is not suitable for the current era, also included is whoever believes that it is not allowed to rule by other than the Divine Legislation of Allaah in social interactions, the punishments or anything else, yet does not believe that it is better than the rule of the Divine Legislation, yet he permits what Allaah has prohibited which is well known in the *deen* by necessity such as *zinaa*, drinking alcohol, interest and ruling by other than the Divine Legislation of Allaah – such a person is a disbeliever according to the consensus of the Muslims.

Imaam Bin Baaz (*raheemahullaah*) in a clear *fatwa* differentiating between the ruler by other than what Allaah has revealed without *istiblaal* and the one who

¹ This is also the case in the explanations of *Nawaqid ul-Islaam* that have been done by Shaykh Saalih al-Fawzaan, Shaykh ’Abdul’Azeez ar-Raajhee and Shaykh ’Abdul’Azeez bin Rayees ar-Rayees and others. It is interesting how the *takfeerees* drone on about this point but they never refer or try to even contact those who are present today have more knowledge of the text *Nawaqid ul-Islaam* than they do!? [TN]

rules by making it permissible, for this reason when Imaam Bin Baaz was asked about the ruling of the one who studies man-made laws or institutes studying it, he answered:

SECOND CATEGORY: Whoever studies man-made laws or institutes its study, while having eemaan in the prohibition to rule by other than what Allaah has revealed, yet his desires and love of wealth overcome him, those in this category are no doubt sinful and within them is kufr, dhulm and fisq, however it is minor kufr, minor dhulm and minor fisq which does not expel the person from the fold of Islaam. This view is well-known among the people of knowledge and is the saying of Ibn 'Abbaas, Taawoos, 'Ataa', Mujaahid and a group of the Salaf and the Khalaf as mentioned by al-Haafidh Ibn Katheer, al-Baghawee, al-Qurtubee and others. Al-'Allaamah Ibn ul-Qayyim (*rabeemahullaah*) in *Kitaab us-Salaah* and Shaykh 'AbdulLateef bin Hasan (*rabeemahullaah*) both mention this also. Shaykh 'AbdulLateef has a good treatise which is published in the third volume of the compilation *ar-Rasaa'il al-Ulaa*. There is no doubt that those of this category are upon great danger and it is feared that they will fall into apostasy.

Then Imaam Bin Baaz stated:

THIRD CATEGORY: Whoever studies man-made laws or says that it is halaal to study it, whether he believes that the Divine Legislation is better or does not believe that it is better, is a disbeliever according to the consensus of the Muslims. Such a person has committed major kufr because he has made it lawful to rule by man-made laws which contradict the Divine Legislation of Allaah and is therefore making lawful what is known in the religion by necessity as being unlawful, so such a person has the ruling of making *zinaa*, alcohol and the likes lawful.

Then Aboo Baseer transmits long speech from Sayyid Qutb to support what he says and continues to quote from him in that! Sayyid does not make any excuses for ignorance at all and uses his own intellect to expel people from the *deen* of Islaam, wherein he says in *Dhilaal*, vol.4, p.1991, after speaking in the context of the story of Yoosuf (alayhi salaam):

"وَكُونُهُمْ (لَا يَعْلَمُونَ) لَا يَعْلَمُهُمْ عَلَى دِينِ اللهِ الْقَوِيمِ، فَالَّذِي لَا يَعْلَمُ شَيْئاً لَا يَمْلِكُ الْإِعْتِقَادَ فِيهِ تَحْقِيقاً إِذَا وَجَدَ نَاسٌ لَا يَعْلَمُونَ حَقِيقَةَ الدِّينِ لَمْ يَعْدْ مِنَ الْمُمْكِنِ عَقْلًا وَوَاقِعاً وَصَفْهُمْ بِأَنَّهُمْ عَلَى هَذَا الدِّينِ! وَلَمْ يَقُمْ جَهْلُهُمْ عَذْرًا لَهُمْ يُسْبَغُ عَلَيْهِمْ صَفَةُ إِلَسَامٍ ذَلِكَ أَنَّ الْجَهْلَ مَانِعٌ لِلصَّفَةِ ابْتِدَاءً، فَاعْتِقَادٌ شَيْءٌ فَرَعٌ مِنَ الْعِلْمِ بِهِ، وَهَذَا مَنْطَقُ الْعُقْلِ وَالْوَاقِعِ، مِنْ مَنْطَقِ الْبَدَاهَةِ الْوَاضِحِ. إِنَّ الطَّاغُوتَ لَا يَقُومُ فِي الْأَرْضِ إِلَّا مَدْعِيًّا أَخْصَ خَصَائِصَ الْأَلْوَهِيَّةِ وَهُوَ الرَّبُوبِيَّةُ أَيْ: حَقُّ تَعْبِيدِ النَّاسِ

لأمره وشرعه، ودينونتهم لفكره وقانونه، وهو إذ يزاول هذا في عالم الواقع يدعيه - ولو لم يقله بلسانه - فالعمل دليل أقوى من القول. إن الطاغوت لا يقوم إلا في غيبة الدين القيم والعقيدة الخالصة عن قلوب الناس، فما يمكن أن يقوم وقد استقر في اعتقاد الناس فعلاً أن الحكم لله وحده، لأن العبادة لا تكون إلا لله وحده، والخضوع للحكم عبده، بل هي أصلاً مدلول العبادة" اهـ

"Their condition (of not knowing) does not establish them on the deen of Allaah, because the one who does not know anything does not possess or actualise the creed of the deen. So if a people are found who do not know the reality of the deen they do not fully know or live it for them to be known as being on the deen! And their ignorance is not an excuse for them and the ascription of Islaam is wiped out for them because ignorance prevents having a complete ascription (to Islaam).¹ Believing in something is a branch of having knowledge of it, this is logical and real speech in clear words. The taaghoot is not established in the earth except via calling to the most unique qualities of Uloohiyyah which is Ruboobiyyah meaning: the right of people's servitude for its command and legislation and for the people to live in accordance with its ideas and laws – this is a present reality in the world, even if it is not uttered by the tongue, action is a much stronger proof than statements. The taaghoot are not established except by getting rid of the straight deen and pure 'aheedah from the hearts of people. It is not possible to establish taaghoot if the action is established within people to rule by Allaah alone, as worship is only for Allaah alone and referring judgement is worship, rather it is the basis for worship and obedience in rulership is an act of worship."

This is the *kalaam* of Sayyid Qutb who is the teacher of these people without dispute and he erred greatly in this matter and this affected his younger students, La hawla wa la Quwwata ila billaah! By Allaah, this kind of speech is not said by one who has even the slightest knowledge of the principles of the *Sharee'ah* and its *Usool*! This idea is void from a number of angles:

Firstly: Where is the excuse of ignorance? Where is the establishment of the proofs? As the Imaams of the *Salaf* of this *Ummah* have confirmed? So I do not know how Sayyid Qutb negates the description of the *deen* and Islaam from the

¹ If we apply what Sayyid Qutb said to his own self then the ruling would be *kufir*! Because he spoke with *Wahdat ul-Wujood*, the Qur'aan being created and the likes of such statements of *kufir*. But if we maintain a good opinion of him we say that he was absolutely ignorant of Islaam.

people with his own intellect when he is talking about the Divine Legislation of Allaah?! Even though yes good actions are verified by the intellect, reward and punishment however is only after applying the Divine Legislation, as responsibility is not confirmed except with the Divine legislation and the intellect does not enter the equation at all. Shaykh ul-Islaam Ibn Taymiyyah (*rabeemahulaah*) said:

وأصل هذا: أن حكم الخطاب هل يثبت في حق المكلف قبل أن يبلغه؟ فيه ثلاثة أقوال في
مذهب أحمد وغيره: قيل: يثبت، وقيل: لا يثبت، وقيل يثبت المبتدأ دون الناسخ، والأظهر أنه
لا يجب قضاء شيء من ذلك، ولا يثبت الخطاب إلا بعد البلاغ، لقوله تعالى

The basis of this is: is the ruling about receiving the message affirmed for the one who is responsible before it has reached him? There are three opinions in this regard in the *madhdbab* of Imaam Ahmad and others, some say it is affirmed, some say it is not while the others say it is affirmed at first but not totally. And it is apparent that the message cannot be confirmed until it has been conveyed to someone. For Allaah says,

(لأنذركم به ومن بلغ)

“...that I may warn you thereby and whomever it reaches.”

{al-An'aam (6): 19}

ومثل هذا في القرآن متعدد بين سبحانه أنه لا يعاقب أحد حتى يبلغه ما جاء به الرسول، ومن علم أن محمداً رسول الله فامن بذلك ولم يعلم كثيراً مما جاء به، لم يعذبه الله على ما لم يبلغه، فإنه إذا لم يعذبه على ترك الإيمان إلا بعد البلوغ، فإنه لا يعذبه على بعض شرائطه إلا بعد المستفيضة عنه في أمثال ذلك"ع البلوغ أولى وأحرى، وهذه سنة رسول الله

The likes of these verses clarify that Allaah does not punish anyone until after the message of what the Messenger came with has been conveyed to them. So whoever knows that Muhammad is the Messenger of Allaah and believes in that yet does not know much about it is not punished by Allaah because the rest of it has not reached him yet. Therefore, he is not punished for abandoning *eemaan* until after the message has reached him and he cannot be punished for some conditions until it has reached him first and this is the Sunnah of the Messenger of

Allaah (*sallallaahu alayhi wassallam*) and in the likes of such matter this is extensive from him (*sallallaahu alayhi wassallam*).¹

Then Shaykh ul-Islaam transmits certain incidents from the Companions (*radi Allaahu 'anhum*) wherein they were not fully aware of some issues from the Divine legislation, he says:

وأيضاً فإن الكتاب والسنة قد دل على أن الله لا يعذب أحداً إلا بعد إبلاغ الرسالة، فمن لم تبلغه جملة لم يعذبه رأساً، ومن بلغته جملة دون بعض تفصيل لم يعذبه إلا على إنكار ما قامت عليه الحجة الرسالية.

Also, the Book and Sunnah indicate that Allaah does not punish anyone except after the message has been conveyed, so whoever has not had it conveyed to him will not be punished and whoever has had it conveyed but without full explanation of some issues will not be punished except when the proof has been established.

Then Shaykh ul-Islaam Ibn Taymiyyah sad:

فمن كان قد آمن بالله ورسوله، ولم يعلم بعض ما جاء به الرسول، فلم يؤمن به تفصيلاً، إما أنه لم يسمعه، أو سمعه من طريق لا يجب التصديق بها، أو اعتقاد معنى آخر ل نوع من التأويل الذي يعذر به، فهذا قد جعل فيه من الإيمان بالله وبرسوله ما يوجب أن يثبته الله عليه، وما لم يؤمن به فلم تقم عليه به الحجة التي يكفر مخالفها".

Whoever has believed in Allaah and His Messenger but does not know about some of the things that the Messenger came with and thus they do not believe in it but this requires some explanation: either he did not hear about it; or he heard it by via an untrustworthy route which cannot be trusted; or he believes in another meaning due to some sort of interpretation which he can be excused for – this person has made eemaan in Allaah and His messenger with what Allaah will not reward him for due to what he does not believe in, so the proof has not been established in order to make takfeer of him due to his opposition.²

Secondly: Sayyid Qutb's confusion, which is usual, between *Tawheed Ruboobiyyah* and *Tawheed Uloobiyyah* and his ignorance of the difference between the two, wherein he says

¹ *Majmoo' al-Fataawaa*, vol.22, p.41-42

² *Ibid.*, vol.12, p.493

"إِنَّ الطَّاغُوتَ لَا يَقُومُ فِي الْأَرْضِ إِلَّا مَدْعِيًّا أَخْصَصَ خَصائِصَ الْأَلْوَهِيَّةِ وَهُوَ الرَّبُوبِيَّةُ، أَيْ: حَقٌّ تَعْبُدُ النَّاسُ لِأَمْرِهِ وَشَرْعِهِ، وَدِينُونَتْهُ لِفَكْرِهِ وَقَانُونَهُ".

"The taaghoot is not established in the earth except via calling to the most unique qualities of Uloohiyyah which is Ruboobiyah meaning: the right of people's servitude for its command and legislation and for the people to live in accordance with its ideas and laws..."

This statement from Sayyid is false and would not emerge from a scholar that has knowledge of *tawheed* or even from a small student of knowledge who knows the reality of *tawheed*. If this shows anything, it merely shows that Sayyid was ignorant of the basis of *tawheed*. *Rubboiyyah* is: the actions of the Rabb (Lord) in creating, providing, arranging the affairs in life and death and everything that concerns the universe.

Uloohiyyah is: The actions of the people such as prayer, fear, hope, being connected to worshipping Allaah, seeking nearness to Allaah, *du'a* to Allaah, humility to Allaah, longing for and hoping in Allaah etc.

Sayyid has no precedent for his definition at all, for *al-Haakimiyyah* is only in the meaning in being from *Ruboobiyyah* and ruling and referring to laws are from the rights of *Ruboobiyyah*, as the Imaams have attested to. Shaykh 'Uthaymeen was asked about ruling by other than what Allaah has revealed and answered:

Ruling by what Allaah has revealed is under *Tawheed Ruboobiyyah* because it is carrying out the rule of Allaah based on His Lordship and perfecting His Dominion. Allaah calls those who follow other than what Allaah has revealed as 'lords' that are followed. Allaah says,

(اَنْهَدُوا اَحْبَارَهُمْ وَرُهْبَانَهُمْ اُرْبَابًا مِّنْ دُونِ اللَّهِ وَالْمَسِيحَ ابْنَ مَرْيَمَ وَمَا اُمِرُوا اِلَّا لِيَعْبُدُوا إِلَهًا وَاحِدًا لَا إِلَهَ اِلَّا هُوَ سُبْحَانُهُ عَمَّا يُشْرِكُونَ)

"They have taken their scholars and monks as lords besides Allaah, and [also] the Messiah, the son of Mary. And they were not commanded except to worship one God; there is no deity except Him. Exalted is He above whatever they associate with Him."

*{at-Tawbah (9): 31}*¹

¹ *Majmoo' al-Fataawaa wa Rasaa'il Ibn 'Uthaymeen*, vol.2, pp.140-144

However, the excess of Sayyid in focusing on *al-Haakimiyyah* and his ignorance of *La ilaha il-Allaah* and its correct explanation and explaining it as ‘there is no ruler except Allaah’ and then from here his negligence of *Uboodiyyah* wherein he makes *al-Haakimiyyah*, *Ruboobiyyah* and ruling as the most unique qualities of *Uloohiyyah* (in *Dhilaal*, vol.5, p.2717), is what led him to fall into these misguided matters.

Due to this, as is the condition of his followers today such Aboo Baseer, they do not give any importance to mentioning major *shirk* which is: directing worship to other than Allaah via *du'a'a*, slaughtering, making vows, seeking assistance and help, seeking help and increase, indeed he stated explicitly in *Dhilaal ul-Qur'aan*:¹

"ما كان شركهم [كفار قريش] الحقيقي من هذه الجهة [عبادة الأصنام]، ولا كان إسلام من أسلم منهم ممثلاً في مجرد التخلّي عن الاستشفاع بهذه الأصنام."

"Their (kuffaar of Quraysh) shirk was not real from this angle (the worship of idols). The Islaam of those who become Muslim from them was not merely due to them abandoning seeking intercession by these idols."

In contrast, Sayyid Qutb makes following humans in manners, traditions, customs and uniforms to be *shirk* in its most unique reality and as opposing the *Shahaadah* that ‘there is nothing worthy of worship except Allaah and Muhammad is the Messenger of Allaah’ in its most unique form and even if the servant turns to Allaah worshipping Him alone with *Uloohiyyah* and living according to the Divine Legislation of Allaah in *wudoo'*, *Salaah*, fasting and the rest of the main symbols of Islaam. In *Fee Dhilaal il-Qur'aan*, vol.4, p.2114, (published by Daar ush-Shurooq). This destroyed man (i.e. Aboo Baseer) transmitted this speech of Sayyid Qutb in his book which we are discussing now, *at-Taaghoot* (pp.156-61), supporting the general *takfeer* that is found in the rest of the book:

والرؤساء والمشرعين، فهذه هي الصورة الصارخة ولكنها ليست هي كل شيء، إن العبودية للعباد تتمثل في صور أخرى خفية، ولكنها قد تكون أقوى وأعمق وأقسى من هذه الصورة، ونضرب مثلاً لهذا تلك العبودية لصانعي الموضات والأزياء مثلاً، أي سلطان لهؤلاء على كل الدين يسمونهم متحضرين 000 إن الذي المفترض من آلها... قطيع كبير جداً من البشر

¹ Vol.3, p.1492

الأزياء سواء في الملابس أو العربات أو المباني أو المناظر أو الحفلات... لم يمثل عبودية صارمة لا سبيل لجاهلي ولا لجاهلية أن يفلت منها، أو يفكر في الخروج عنها، ولو دان الناس في هذه الجاهلية الحضارية لله بعض ما يدينون لصانعي الأزياء لكانوا عباداً متبليين.. فماذا تكون العبودية إن لم تكن هي هذه؟ وماذا تكون الحاكمة والربوبية إن لم تكن هي حاكمة وربوبية صانعي الأزياء أيضاً!؟.....

"The worship of people is represented in another (hidden)¹ way but it can be stronger, deeper and harder, it is the worship of customs, codes of practice and traditions, we'll put forth an example: the worship of the manufacturers of style and dress. For example, which authority in this field has a very large flock of followers from the people? Everyone who is considered as being 'civilised.' The obligatory clothing from the gods of fashion is in clothing or in designs, models, cars, buildings, scenes and parties...it all represents rigorous worship, there is no path for ignorance to escape from it or to even think about finding an exit out of it. If the people of this civilised jaahiliyyah owed to Allaah what they owe to the manufacturers of these styles of clothing, they would be sincere pious worshipers! So what is worship if this isn't? So what is al-Haakimiyyah and ar-Ruboobiyyah if this isn't Haakimiyyah and Ruboobiyyah to the fashion designers too?!"

Then he said:

من أجل ذلك كله تناول قضية الألوهية والعبودية كل تلك العناية في رسالات الله سبحانه وفدي كتبه.. فهي قضية لا تتعلق بعده الأصنام والأوثان في الجاهليات الساذجة البعيدة، ولكنها تتعلق بالإنسان كله في كل زمان وفي كل مكان وتعلق بالجاهليات كلها، جاهليات ما قبل التاريخ، وجاهليات التاريخ، وجاهليات القرن العشرين، وكل جاهلية تقوم على أساس من عبادة العباد للعباد" اهـ

"Due to all of this the issue of Uloohiyyah and 'Uboodiyyah was given utmost importance in the messages of Allaah in His Books...it is an issue which is not connected to the worship of idols during the naive and past period of ignorance, rather it is connected to all people in all times and places and is connected to all periods ignorance: the days of ignorance, pre-history, the days of ignorance within history and the days of ignorance within the 20th

¹ He later refers to it, in the following text, in a confused way, as being "clear and apparent shirk"!!

Century. All times of ignorance are established on the worship of slaves by slaves.”

So my beloved brothers, compare the speech of Sayyid Qutb with the *manhaj* of the *Salaf* and its people, contemplate his statement precisely and reflect, and then judge with justice. Then contemplate the statements of Shaykh ul-Islaam Ibn Taymiyyah which have been mentioned. I say: Aboo Baseer bases his book (*at-Taaghoot*) on *takfeer* of the rulers and ruled in his understanding of the meaning of *taaghoot* and opposes the *manhaj* of the Prophets in *deen* and *da'wah* to Allaah. As millions of Muslims fall into *shirk* at graves and practice worship of other than Allaah via slaughtering, making vows, seeking help and assistance and the likes from other than Allaah, rather count the amount of opposition in beautifying with stronger and deeper manifestations of worshiping other than Allaah. Travel far to the world of China, Japan and India wherein the worship cows, idols and tombs is to be found. So where is the speech about the children of the Muslims within Muslim lands? Because many of them are drowning in the *shirk* of graves and seek their needs from al-Badabee, Husayn, Zaynab, Ibn 'Arabee and al-Jeelaanee. Many hundreds are found at graves in Muslim lands, indeed cities of graves are to be found where worship is established and money is given to fund vows, so where is the speech about these *tawaagheet*? Al-Haafidh Aboo Muhammad 'AbdurRahmaan bin Ismaa'eel ash-Shaafi'ee, well known as 'Ibn Shaamah', in his book *al-Bida' wa'l-Hawaadith* states:

Also in this category is the calamity which has been spread by Shaytaan by beautifying it to the common people, such as: building walls with pillars (i.e. tombs), which is found in every country, and placing lights in them making them special places. In some cases it is relayed that a person allegedly had a dream wherein they saw a person known for righteousness and piety and as a result of this created such tombs in order to preserve the memory of the person and thinking that they are getting closer to Allaah in doing this, even if they abandon the obligations of Allaah in building such tombs. Then they may even go further than this and begin to glorify in their hearts the sites where such tombs are found or seek cures for their diseases and ask for their needs by making vows. In the city of Damascus there are a number of places such as 'Uwaynah al-Hamaa outside the ancient city-

gate of Baab Toomaa¹ and their is a tomb inside the ancient city-gate of Baab as-Sagheer and there is an accursed tree outside the ancient city-gate of Baab an-Nasr on the highway.² May Allaah make it easy for this tree to be chopped down from its roots, how similar this is do *Dhaat Anwaat* which is mentioned in the *hadeeth*.³

Then what about Nooh (*'alayhi salaam*), who called his people for 950 years due to what his people were doing by worshipping five pious men (Wadd, Suwa', Yaghooth, Ya'ooq and Nasr)? We did not find that he spoke about *Shirk al-Haakimiyyah* throughout all of that time! And look at Ibraaheem (*'alayhi salaam*), who called his people to leave off the worship of idols,

(إِذْ قَالَ لِأَبِيهِ يَا أَبَتِ لَمْ تَعْبُدُ مَا لَا يَسْمَعُ وَلَا يُبَصِّرُ وَلَا يُعْنِي عَنْكَ شَيْئًا)

“When he said to his father: O my father! Why do you worship that which hears not, sees not and cannot avail you in anything?”

{Maryam (19): 42}

...And we do not find that he spoke about *al-Haakimiyyah*. If we follow the *seerah* of the Prophets we find that warning against shirk and directing *du'a* to other than Allaah was the main focus of disagreement with their peoples. See the story of Hood, the story of Moosaa and finally of Muhammad (*sallallaahu alayhi wassallam*). He came to humanity which at that time was being controlled by two

¹ There are seven ancient city gates (Bawaab) of Damascus. [TN]

² Baab un-Nasr is one of the main ancient northern gates of the city of Halab (Aleppo), it was called Baab ul-Yahood because it was close to the Jewish Quarter of the city. [TN]

³ Likewise in Egypt there are graves which were constructed on the basis of dreams such as the graves of Husayn and Zaynab (*radi Allaahu 'anhuma*) and there are also rituals such as the *arba'een* (forty) ritual which is based on the *'aqeedah* of the people of ignorance which believes that a pious *walee* can take the form of forty different bodies!!? Some of them even have the nerve to exaggerate further than this and say that the *walee* can take the form of 63 different bodies!! Look how many instances of *shirk* are found in other than Egypt which involve graves, trees and stones, may Allaah hasten the purification of these lands from this *shirk* just as it manifested in the Hijaaz via the hand of the king 'Abdul'Azeez Aal Sa'ood (*raheemahullaah*) and may Allaah reward him. See Shaykh 'AbdurRahmaan Aal ush-Shaykh, Muhammad Haamid al-Fiqhee (ed.), *Fath al-Majeed: Sharh Kitaab ut-Tawheed*, chapter on seeking blessings from trees, stones and the like, p.138.

Translator's Note: The Rawaafid of al-'Iraaq also have an “Arba'een” ritual which involve clear *shirk* and innovation, some of them will even stage mock plays which feature replica severed heads of Husayn!!? See: http://www.iraqslogger.com/index.php/post/1831/Shia_Faithful_Flock_to_Karbala

great superpowers, the Persians and the Romans. They used to rule the world with the laws of Persia and Rome and the Quraysh used to arbitrate by the false deities, yet the Prophet (*sallallaahu alayhi wassallam*) did not focus on this at all in the beginning. Rather, he began calling his people and focused on major *shirk* such as the worship of al-Laat, al-'Uzzaa, the angels and other righteous people. Then look at the Qur'aan, it speaks about the Christians and you find that most discussion of them revolves around their creed in 'Eesaa (*alayhis-salaam*) and that he was a Messenger. Their motto used to be "Give to God what is God's and give to Caesar what is Caesar's", meaning: a separation between religion and state and they were living under the Roman Empire who had laws which are still the source for legislating in the contemporary world. If all this indicates anything it indicates the opposition of this man, like his teacher Sayyid Qutb, to the *da'wah* of the Prophets which focused on ending the worship of idols. So why do you not strive in what the Prophets strived in with their *da'wah* to Allaah?¹ Your condition says for you that "**Our manhaj is better than the manhaj of the Prophets in calling to Allaah**", to Allaah we came and to Him we shall return. Then this ignorant man tries to use proofs from verses of the Qur'aan which justify his *takfeer* of the rulers and ruled, Allaah's saying:

(اَنْخَذُوا اَحْبَارَهُمْ وَرُهْبَانَهُمْ اُرْبَابًا مِّنْ دُونِ اللَّهِ وَالْمَسِيحَ ابْنَ مَرْيَمَ
وَمَا اُمِرُوا اِلَّا لِيَعْبُدُوا اِلَهًا وَاحِدًا لَا إِلَهَ اِلَّا هُوَ سُبْحَانُهُ عَمَّا
يُشْرِكُونَ)

"They have taken their scholars and monks as lords besides Allaah, and [also] the Messiah, the son of Mary. And they were not commanded except to

¹ Aboo Baseer in Part 2 of a series of lectures entitled 'Conditions of *La ilaha il-Allaah*', which can be downloaded from the 'Islambase.co.uk' and 'The Path to Paradise' websites, states after 54 minutes: "...this testifies to the transgression of the palace and shows that it, and whomsoever is residing in it, is worshipped other than Allaah...How many people fear the palaces more than Allaah...this shirk is present and we see it, so we have to warn from it." Hereby, claiming to have a better and more noble stance than the Prophets Moosaa and Yoosuf (*alayhimus-salaam*). [TN]

worship one God; there is no deity except Him. Exalted is He above whatever they associate with Him.”

{at-Tawbah (9): 31}

(فَلَا وَرَبَّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مَّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا)

“But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission.”

{an-Nisaa (4): 65}

Then Aboo Baseer transmits speech from Ibn ul-Qayyim which he thinks agrees with his desires and then Aboo Baseer says:

”إِذَا كَانَ الإِيمَانُ لَا يُثْبِتُ لِصَاحِبِهِ إِلَّا بِالْتَّحْكِيمِ إِلَى شَرْعِ اللهِ عَزَّ وَجَلَّ، فَإِنْ ذَلِكَ يَدْلِيُ عَلَىْ أَمْرَيْنِ: أَوْلَاهُمَا أَنَّ التَّحْكِيمَ إِلَى شَرْعِ اللهِ تَعَالَى عِبَادَةً لِهِ سَبَّاحَةً، لِأَنَّهُ شَرْطٌ لِلْإِيمَانِ، وَلَا يَكُونُ شَيْءٌ شَرْطًا لِلْإِيمَانِ إِلَّا كَانَ يَتَضَمَّنُ نَوْعًا عِبَادَةً لِلَّهِ عَزَّ وَجَلَّ، أَمَّا الْأَمْرُ الْثَّانِي، فَهُوَ أَنَّ عَدَمَ التَّحْكِيمِ إِلَى شَرْعِ اللهِ عَزَّ وَجَلَّ يَنْفِي الإِيمَانَ الَّذِي يَتَضَمَّنُ عِبَادَةً الْمُخْلُوقِ، وَلَوْ فِي وَجْهِهِ مِنَ الْأُوْجَهِ.

فَدَلَّ أَنَّ ”الْتَّحْكِيمَ“ عِبَادَةً مِنَ الْمُتَحَاكِمِ إِلَيْهِ، فَمَنْ يَتَحَاكِمُ - فِي جُمِيعِ شَوَّؤُنِ حَيَاتِهِ الْخَاصَّةِ وَالْعَامَّةِ - إِلَى اللهِ وَحْدَهُ فَهُوَ عَبْدُ اللهِ تَعَالَى، وَمَنْ يَتَحَاكِمُ إِلَى غَيْرِهِ - أَيَا كَانَ هَذَا الغَيْرُ وَلَوْ فِي جُزْئِيَّةٍ مِنْ جُزْئِيَّاتِ حَيَاتِهِ - فَهُوَ لَهُذَا الغَيْرِ“.

“If eemaan is not affirmed except when one refers judgement to the Divine Legislation of Allaah this indicates two things:

Firstly: that referring judgment to the Divine Legislation of Allaah is worship of Allaah and is a condition for eemaan and nothing is a condition for eemaan except if it contains a type of act of worship of Allaah.

Secondly: the avoidance of referring judgement to the Divine Legislation of Allaah negates eemaan which contains worship of the creation in some form. **This indicates that “to refer judgement” is an act of worship from the one who goes to a court to rule (by other than Allaah). When judgement is referred to**

Allaah in all affairs of life generally and specifically, then such a person is considered a worshipper of Allaah. But whoever refers judgment to other than Allaah, whatever from this may take and even in a small aspect of life, then such a person is of this other thing.”

I say: This speech is what Sayyid Qutb used to always drone on about in order to negate *eemaan* from the people who have *eemaan* and make hasty *takfeer* of the Muslims. I will establish what Sayyid said:

”إن من أطاع بشراً من عنده، و في جزئية صغيرة، فإنما هو مشرك، وإن كان في الأصل مسلماً ثم فعلها، فإنما خرج بها من الإسلام إلى الشرك أيضاً..مهما بقي بعد ذلك يقول: (أشهد أن لا إله إلا الله) بلسانه بينما هو يتلقى من غير الله، ويطيع غير الله”

“Whoever obeys a man, even in a small aspect is a *Mushrik* even if he is a Muslim by origin and then does it, such a person has left the fold of Islaam to shirk also. This is despite what remains of the person saying ‘*La ilaha il-Allaah*’ with his tongue, because he has accepted and obeyed other than Allaah.”¹

I say: Therefore, does this mean that Aboo Baseer - because he obeys a person in his travel system, visa process and residency procedure as is done in the lands of disbelief and Islaam and he exchanges money and uses different forms of communication – is a *Mushrik*?? However, the *manhaj* of the Salaf in obedience out of servitude requires explanation and it is well known according to the people of knowledge that whoever obeys a *Mushrik* and believes in what he says himself becomes a *Mushrik*. As for obedience via actions, and not belief, then this is disobedience and not *shirk*. Shaykh ul-Islaam Ibn Taymiyyah (*rabeemahullaah*) stated in *Minhaaj us-Sunnah*, vol.5, p.130:

”ولا ريب أن من لم يعتقد وجوب الحكم بما أنزل الله على رسوله فهو كافر، فمن استحل أن يحكم بين الناس بما رأه هو عدلاً من غير اتباع لما أنزل الله فهو كافر، فإنه ما من أمة إلا وهي تأمر بالحكم بالعدل، وقد يكون العدل في دينها ما رأه أكابرهم، بل كثير من المنتسبين إلى الإسلام يحكمون بعاداتهم التي لم ينزلها الله - سبحانه وتعالى - كسوالف البدية، وكأمر المطاعين فيهم، ويررون أن هذا هو الذي ينبغي الحكم به دون الكتاب والسنة!... [و]كثير [من الناس] أسلموا، ولكن مع هذا

¹ *Fee Dhilaal il-Qur'aan*, vol.3, p.1198

لَا يَحْكُمُونَ إِلَّا بِالْعَادَاتِ الْجَارِيَّةِ لَهُمُ الَّتِي يَأْمُرُ بِهَا الْمَطَاعُونُ، فَهُؤُلَاءِ إِذَا عَرَفُوا
أَنَّهُ لَا يَجُوزُ الْحُكْمُ إِلَّا بِمَا أَنْزَلَ اللَّهُ فَلَمْ يَلْتَرْمُوا ذَلِكَ بَلْ اسْتَحْلُوا أَنْ يَحْكُمُوا بِخَلْفِ
مَا أَنْزَلَ اللَّهُ فَهُمْ كُفَّارٌ وَلَا كَانُوا جَهَّالًا كَمَنْ تَقْدِمُ أَمْرُهُمْ" أَهـ.

There is no doubt that the one whose does not believe in the obligation of ruling by what Allaah has revealed to His Messenger is a disbeliever. Whoever makes it lawful to rule the people by what he thinks is justice and not following what Allaah has revealed is a disbeliever. There is no nation except that it orders ruling with justice and sometimes justice, as perceived by its senior leaders, can exist in its religion. Many of those who ascribe themselves to Islaam judge by their customs that Allaah has not revealed. This is like the traditional customs of the Bedouins and the chiefs were obeyed in this regard and they used to consider that it was desirable to rule by such customs without referring to the Book and the Sunnah, this is kufr. As many people became Muslim but they did not rule except by their traditional customs which were passed down to them and which were ordered by those leaders who they obeyed. So if they know that it is not allowed to rule except by what Allaah has revealed and did not adhere to that but in fact declared it to be lawful for themselves to rule in opposition to what Allaah has revealed, then they are disbelievers. And if not (i.e. did not declare it lawful) then they are merely ignorant people as has been mentioned prior about them.

This destroyed one (i.e. Aboo Baseer) transmits the words of Ibn Taymiyyah on page 88 of his book *at-Taaghoot*, but he cuts it, as it their way and omits some of his words, as is their practice. These are words which if affirmed and mentioned would destroy what Aboo Baseer tries to argue for. As for the saying of Allaah,

(اَنْخَذُوا اَحْبَارَهُمْ وَرُهْبَانَهُمْ اَرْبَابًا مِّنْ دُونِ اللَّهِ وَالْمَسِيحَ ابْنَ مَرْيَمَ
وَمَا اُمِرُوا إِلَّا لِيَعْبُدُوا إِلَهًا وَاحِدًا لَا إِلَهَ إِلَّا هُوَ سُبْحَانُهُ عَمَّا
يُشْرِكُونَ)

"They have taken their scholars and monks as lords besides Allāh, and [also] the Messiah, the son of Mary. And they were not commanded except to

worship one God; there is no deity except Him. Exalted is He above whatever they associate with Him.”

{at-Tawbah (9): 31}

This is from the doubts which are used by the *takfeerees*, the Khawaarij of the era, yet there is no proof for them with it like their use of other verses which were revealed about the *kuffaar* and then they apply them to the believers and the reason for this is due to their direct handling of the texts without investigation into the *fiqh* of the Imaams of the *Salaf* in regards to such verses. This demonstrates their turning way from the Sunnah and the statements of the Companions,, the *takfeeree ‘tafseer* of these verses opposes the *tafseer* of the Prophet (*sallallaahu alayhi wassallam*), for it is reported by Tirmidhee (*hadeeth* no.3095) and others in the *hadeeth* of ‘Adiyy that he said: I went to the messenger of Allaah and around my neck was a golden cross and he (*sallallaahu alayhi wassallam*) said “O ‘Adiyy, remove that idol from your neck!” then he recited the verses,

(اَنْخَذُوا اَحْبَارَهُمْ وَرُهْبَانَهُمْ اُرْبَابًا مِّنْ دُونِ اللَّهِ وَالْمَسِيحَ ابْنَ مَرْيَمَ
وَمَا امْرُوا اِلَّا لِيَعْبُدُوا اِلَهًا وَاحِدًا لَا إِلَهَ اِلَّا هُوَ سُبْحَانَهُ عَمَّا
يُشْرِكُونَ)

“They have taken their scholars and monks as lords besides All h...”

{at-Tawbah (9): 31}

And said:

” اَمَا اِنَّهُمْ لَمْ يَكُونُوا يَعْبُدُونَهُمْ، وَلَكِنَّهُمْ كَانُوا اِذَا اَحْلَوْا لَهُمْ شَيْئًا اسْتَحْلَوْهُ، وَإِذَا حَرَمُوا
عَلَيْهِمْ شَيْئًا حَرَمُوهُ .”

“They did not used to worship them, but if they made anything lawful for them, their followers also made it lawful and if anything was prohibited for them by their scholars and monks, they likewise prohibited it.”

So the mere acceptance of legislation and obeying and following them (in such legislation) does not rule them as falling into *shirk*. Rather they believed in making lawful what Allaah had prohibited and prohibiting what Allaah made lawful. So the intent is that not everyone who is under the rule of law is a disbeliever.

So the issue requires some explanation between making *balaal* and not making *balaal*, and between customary laws and acts of worship. However, Aboo Baseer and those who reel around him, have merely initiated the school of thought of the Khawaarij by making *takfeer* on account of major sins or the premise of living under disbelieving rule of law. Also the *tafseer* of Ibn Taymiyyah of this verse also rebuts their ‘tafseer’, as he beneficially explained the issue in *Majmoo’ al-Fataawaa*, vol.7, p.70-71:

"وَهُؤُلَاءِ الَّذِينَ اتَّخَذُوا أَحْبَارَهُمْ وَرَهَبَانَهُمْ حِلْيَةً أَطَاعُوهُمْ فِي تَحْلِيلِ مَا حَرَمَ اللَّهُ، وَتَحْرِيمِ مَا أَحْلَّ اللَّهُ، يَكُونُونَ عَلَى وَجْهَيْنِ:
 أَحَدُهُمَا: أَنْ يَعْلَمُوا أَنَّهُمْ بَدَلُوا دِينَ اللَّهِ فَيَتَبَعُونَهُمْ عَلَى التَّبْدِيلِ، فَيَعْتَقِدُونَ تَحْلِيلَ مَا حَرَمَ اللَّهُ، وَتَحْرِيمَ مَا أَحْلَّ اللَّهُ، اتِّبَاعًا لِرُؤْسَائِهِمْ مَعَ عِلْمِهِمْ أَنَّهُمْ خَالِفُوا دِينَ الرَّسُولِ، فَهُذَا كُفْرٌ، وَقَدْ جَعَلَهُ اللَّهُ وَرَسُولُهُ شَرًّا، وَإِنْ لَمْ يَكُونُوا يَصْلُوُنَّ لَهُمْ وَيَسْجُدُنَّ لَهُمْ، فَكَانَ مِنْ اتِّبَاعِ غَيْرِهِ فِي خَالِفِ الدِّينِ مَعَ عِلْمِهِ أَنَّهُ خَالِفُ الدِّينِ، وَاعْتَقَدَ مَا قَالَهُ اللَّهُ وَرَسُولُهُ مُشْرِكًا مِثْلًا هُؤُلَاءِ.
 الثَّانِي: أَنْ يَكُونُ اعْتِقَادُهُمْ وَإِيمَانُهُمْ بِتَحْلِيلِ الْحَلَالِ وَتَحْرِيمِ الْحَرَامِ ثَابِتًا لِكُنْ أَطَاعُوهُمْ فِي مُعْصِيَةِ اللَّهِ، كَمَا يَفْعُلُ الْمُسْلِمُ مَا يَفْعُلُهُ مِنْ الْمُعَاصِي الَّتِي يَعْتَقِدُ أَنَّهَا مُعَاصِيَ اللَّهِ، وَلَهُمْ حُكْمُ أَمْثَالِهِمْ مِنْ أَهْلِ الذُّنُوبِ" اهـ.

Those who took their scholars and monks as lords obeyed them in making lawful what Allaah had prohibited and prohibited what Allaah had made lawful and this has two aspects:

Firstly: That they know that they have substituted the *deen* of Allaah and then followed them in that change and believed in the making lawful of what Allaah had prohibited and in the prohibition of what Allaah had made lawful. So they did this following their leaders while knowing that it opposed the *deen* of the Messenger (*sallallaahu alayhi wassallam*) and this is kufr and Allaah and His Messenger have classified such an individual a disbeliever, even though they do not pray or prostrate to them. **Whoever follows other than Allaah in opposing the deen, while knowing that it opposes the deen and believe in what other than Allaah and His Messenger have stated is a Mushrik.**

Secondly: That they have firm belief and *eemaan* about legalising the *balaal* and prohibiting the *haraam*, however they obeyed them in disobedience to Allaah. This is like a Muslim who commits an act of disobedience which he firmly believes is wrong and disobedience, they have the same ruling as them as being sinful.

Therefore, the verses intend whoever takes scholars and worshippers as lords is in regards to *tableel* (legalising) and *tabreem* (prohibiting) in belief and action, not in just mere action alone. The *shirk* that Banee Ismaa'eel fell into was due to their placing Rabbis and religious scholars at the same level as Allaah in making lawful and making unlawful and turning away from the commandments of Allaah. What also indicates this is the *tafseer* of the Prophet (*sallallaabhu alayhi wassallam*) which we have mentioned. The saying of Hudhayfah (*radi Allaabhu 'anhu*) when he asked about the verse was: "They did not fast for them or pray to them, but they made lawful for them what Allaah had prohibited and they would prohibit for them what Allaah had made lawful. This was how they made them lords besides Allaah."¹

So those who obeyed the one who made lawful what Allaah prohibited, or the one prohibited what Allaah made lawful, are of two categories:

1. They either agreed with their making *halaal* or making *haraam* and there is no doubt about their *kufr*.
2. Or they disagreed with the one who made *halaal* and made *haraam* but obeyed them out of disobedience to Allaah and such a person is not made *takfeer* of. His action is like other acts of disobedience – the Khawaarij past and present oppose this.

So just as the verses do not contain that which indicates that they were revealed in regards to all of the Bani Israa'eel without exception, rather the Qur'aan indicates the opposite of this,

(لَيْسُوا سَوَاءٌ مِّنْ أَهْلِ الْكِتَابِ أُمَّةٌ قَائِمَةٌ يَتَلَوَنَ آيَاتِ اللَّهِ آنَاءَ اللَّيْلِ وَهُمْ
يَسْجُدُونَ)

“They are not [all] the same; among the People of the Scripture is a community standing [in obedience], reciting the verses of Allaah during periods of the night and prostrating [in prayer].”

{*Aali 'Imraan* (3): 113}

¹ Ibn Jareer, vol.10, pp.114-15

Shaykh 'Uthaymeen (*rabeemabullaah*) transmitted from Ibn Taymiyyah (*rabeemabullaah*) wherein he said:

Ruling by other than what Allaah has revealed can be split into two:

1. Where one substitutes the rule of Allaah while knowing the rule of Allaah, however he views that the opposing rules are better and more beneficial for the people than the rule of Allaah; or that it is the same as the rule of Allaah; or that to rule by other than what Allaah has revealed is allowed and he institutes it as a law that is referred to – then the likes of these are disbelievers who have committed kufr which expels them from the deen. This is because the person who falls into this is neither pleased with Allaah as Lord nor with the Messenger of Allaah, neither with Islaam as a deen and the verses is applied to such likes,

(أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِّقَوْمٍ يُوَقِّنُونَ)

“Then is it the judgement of [the time of] ignorance they desire? But who is better than Allaah in judgement for a people who are certain [in faith].”

(al-Maa'idah (5): 50)

And:

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ)

“And whoever does not judge by what Allah has revealed – then it is those who are disbelievers.”

(al-Maa'idah (5): 44)

2. That one substitutes the rule of Allaah with a specific law in specific matters without instituting it as a law which has to be referred to and this has three states:
 - a. This is done while having knowledge of the rule of Allaah and believing that what he has done in opposition is better for people and that it is the same, or he believes that to refer to it is permissible – this is a disbeliever who is ejected from the fold of Islaam, as has preceded.
 - b. This is done while having knowledge of the rule of Allaah and believing that it is better and more beneficial, however he opposes it out of fear of the harm that the ruled will do to him – this is a dhaalim and not a disbeliever and the saying of Allaah is to be applied to him,

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ)

“And whoever does not judge by what Allaah has revealed then it is those who are the wrongdoers.”

{al-Maa’idah (5): 45}

c. He is like the above but his desire overcame him or due to a worldly reason he referred to it. This person is sinful and not a disbeliever and the following verse of Allaah is applied to him,

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْفَاسِقُونَ)

“And whoever does not judge by what Allaah has revealed then it is those who are the defiantly disobedient.”

{al-Maa’idah (5): 47}

This issue, ruling by other than what Allaah has revealed, is from the major issues which the rulers today have been tested with. It is for a person not to be hasty in judging them rulers with what they do not rightfully deserve, until the truth has been clarified to them, because the issue is dangerous. We ask Allaah to rectify the leaders of the Muslims and their subjects.¹

I say: as for the second verse which Aboo Baseer tries to use as a proof for his arguments, then it is the saying of Allaah

(فَلَا وَرَبَّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَحِدُّوْا فِي أَنْفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا)

“But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission.”

{an-Nisaa (4): 65}

Then Aboo Baseer says,

”إِذَا كَانَ الإِيمَانُ لَا يُثْبَتُ لِصَاحِبِهِ إِلَّا بِالْتَّحْكِيمِ إِلَى شَرْعِ اللَّهِ عَزَّ وَجَلَّ، فَإِنْ ذَلِكَ يَدُلُّ عَلَى أَمْرَيْنِ: أَوْلُهَا أَنَّ التَّحْكِيمَ إِلَى شَرْعِ اللَّهِ تَعَالَى عِبَادَةَ لَهُ سُبْحَانَهُ، لِأَنَّهُ شَرْطُ الْإِيمَانِ، وَلَا يَكُونُ شَيْءٌ شَرْطًا لِلْإِيمَانِ إِلَّا إِذَا كَانَ يَتَضَمَّنُ نَوْعًا عِبَادَةَ اللَّهِ عَزَّ وَجَلَّ. أَمَّا الْأَمْرُ الثَّانِي

¹ *Majmoo’ al-Fataawa Shaykh Ibn ’Uthaymeen*, vol.2, p.144

فهو أن عدم التحاكم إلى شرع الله عز وجل.. ينفي الإيمان عن صاحبه، وقد تقدم أن الإيمان لا ينفي عن صاحبه إلا بالشرك الذي يتضمن عبادة المخلوق، ولو في وجه من الأوجه"

"If eemaan is not affirmed except by referring judgement to the Divine Legislation of Allaah then this indicates 2 matters:

Firstly: referring judgement to the Divine Legislation of Allaah is an act of worship to Allaah, because it is a condition of eemaan. Nothing can be a condition for eemaan except if it includes a type of worship of Allaah. As for the second matter: it is the lack of referring judgement back to Allaah, this negates eemaan from the one who does it. It has preceded that eemaan is not negated from a person except by committing *shirk* which includes worshiping the creation, **even in any aspect whatsoever.**"

I say: This *jubool* (Aboo Baseer) negates the foundation of *eemaan* and its reality from all who do not rule by the Messenger (*sallallaahu alayhi wassallam*) in any aspect and from here he judges them with committing *kufr* in belief without any suitable explanation! I did not find any *Mufassir* who mentioned the likes of this general ruling which Aboo Baseer has made! The origin of his view is with none other than Sayyid Qutb. Shaykh ul-Islaam Ibn Taymiyyah said:

وقد أمر الله المسلمين كلهم إذا تنازعوا في شيء أن يردوه إلى الله والرسول؛ فقال تعالى

Allaah has instructed all of the Muslims to refer back to Allaah and His Messenger, Allaah says,

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَئِي الْأَمْرِ مِنْكُمْ
فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنْتُمْ تُؤْمِنُونَ
بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

"O you who have believed, obey Allaah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allaah and the Messenger, if you should believe in Allaah and the Last Day. That is the best [way] and best in result."

{an-Nisaa (4): 59}

And Allaah says,

**(فَلَا وَرَبَّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَحْدُوَا
فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا)**

“But no, by your Lord, they will not [truly] believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission.”

{an-Nisaa (4): 65}

فمن لم يلتزم تحكيم الله ورسوله فيما شجر بينهم فقد أقسم الله على نفسه أنه لا يؤمن، وأما من كان ملتزمًا لحكم الله ورسوله باطنًا وظاهرًا، لكن عصى واتبع هواه، فهذا بمنزلة أمثاله من العصاة، وهذه الآية مما يحتاج بها الخوارج على تكfir ولادة الأمر الذين لا يحكمون بما أنزل الله، ثم يزعمون أن اعتقادهم هو حكم الله" اهـ

So whoever does not abide by the judgement of Allaah and His Messenger in any disagreements which arise among them, then Allaah has sworn by Himself that they do not believe. As for the one who abides by Allaah and His Messenger's judgements inwardly and outwardly, but he commits sins and follows his desire, this case is the same as that of disobedience. **This ayah is what the Khawaarij use as a proof for making takfeer of the rulers who do not judge by what Allaah has revealed, then they claim that they believe that it is Allaah's judgement.**¹

Imaam Ibn Battah in his book *al-Ibaanah* has a chapter entitled 'Sins which lead a person to commit *kufir* which expels from the religion' and he mentions in the chapter:

الحكم بغير ما أنزل الله، وأورد آثار الصحابة والتابعين على أنه كفر أصغر غير ناقل عن الملة.

Ruling by other than what Allaah has revealed – the narrations from the Companions and the Taabi'oon highlight that it is minor *kufir* which does not expel a person from the religion.

Shaykh Sa'dee (*raheemahullaah*) said in his *tafseer* of the verse:

"فمن استكمل هذه المراتب - يعني التحكيم وانتفاء الحرج والتسليم - فقد استكمل مراتب الدين كلها، ومن ترك هذا التحكيم المذكور، غير ملتزم له، فهو كافر ومن تركه مع التزامه فله حكم أمثاله من العاصيin".

¹ *Minhaaj us-Sunnah*, vol.5, p.131

Whoever fulfils this level, meaning he renders judgement accordingly, and has no resistance, accepting with full conviction, then he has completely fulfilled the necessary level of religion. And whoever leaves this rendering of judgement mentioned, not abiding by it, then the ruling for him is similar to that of the disobedient.

As for Aboo Baseer trying to use the words of Ibn ul-Qayyim (*raheemahullaah*) as a proof for his position then it is false because the position of Ibn ul-Qayyim is very clear in the issue of ruling by other than what Allaah has revealed. In his book *Hukm Taarik Salaah*, Ibn Qayyim explains what the *Salaf* were upon, he says,

" وَهَا هُنَا أَصْلُ أَخْرَ، وَهُوَ: أَنَّ الْكُفْرَ نُوعَانٌ: كُفْرٌ عَمَلٌ، وَكُفْرٌ جَحْودٌ وَعِنَادٌ .
كُفْرُ الْجَحْودِ: أَنْ يَكْفُرَ بِمَا عَلِمَ أَنَّ الرَّسُولَ جَاءَ بِهِ مِنْ عِنْدِ اللَّهِ جَحْدَوْدًا وَعِنَادًا؛ مِنْ أَسْمَاءِ الرَّبِّ
وَصَفَاتِهِ، وَأَفْعَالِهِ، وَأَحْكَامِهِ .

وَهَذَا الْكُفْرُ يَضَادُ الْإِيمَانَ مِنْ كُلِّ وِجْهٍ .

وَأَمَّا كُفْرُ الْعَمَلِ: فَيُنْقَسِمُ إِلَى مَا يَضَادُ الْإِيمَانَ وَإِلَى مَا لَا يَضَادُهُ .

فَالسُّجُودُ لِلصُّنْمِ، وَالْإِسْتِهَانَةُ بِالْمَصْحَفِ، وَقَتْلُ النَّبِيِّ، وَسُبُّهُ يَضَادُ الْإِيمَانَ .

وَأَمَّا الْحُكْمُ بِغَيْرِ مَا أَنْزَلَ اللَّهُ، وَتَرْكُ الصَّلَاةِ؛ فَهُوَ مِنَ الْكُفْرِ الْعَمَلِيِّ قَطْعًا وَلَا يَمْكُنُ أَنْ يُنْفَى عَنْهُ
اسْمُ الْكُفْرِ بَعْدَ أَنْ أَطْلَقَهُ اللَّهُ وَرَسُولُهُ عَلَيْهِ .

-ولكن هو كفر عمل عفالحاكم بغير ما أنزل الله كافر ، وترك الصلاة كافر -بنص رسول الله ، لا كفر اعتقاد ، ومن الممتنع أن يسمى الله - سبحانه - الحاكم بغير ما أنزل الله كافراً ، ويسمى رسول الإيمان عن الزاني ، ع تارك الصلاة كافراً ، ولا يطلق عليها اسم الكفر ، وقد نفي رسول الله ع عنه اليمان والسارق ، وشارب الخمر ، وعمن لا يأمن جاره بوانقه ، وإذا نفي عنه اسم الإيمان ، فهو كافر من جهة العمل ، وانتفى عنه كفر الجحود والاعتقاد ، وكذلك قوله: (لَا تَرْجِعُوا بَعْدِي كُفَّارًا ، يَضْرِبُ
بَعْضُكُمْ رَقَابَ بَعْضٍ) فهذا كفر عمل "اهـ .

Here there is another foundation which is that Kufr is of two types: Kufr 'Amalee (Kufr of action) and Kufr ul-Juhood (rejection) and 'inad (stubbornness). Kufr ul-Juhood is: disbelieving in what is known to be from what the Messenger came with out of rejection and stubbornness and of the Names of the Lord and His Attributes, Actions and Regulations. This type of Kufr contradicts eemaan. As for Kufr 'Amali (Kufr of actions): it is divided into whatever contradicts eemaan and what does not. Therefore, sujood (prostrating) to idols, disrespecting the Qur'aan, killing the Prophet and abusing him all contradicts eemaan. As for ruling by other than what Allaah has revealed and leaving the prayer then it is Kufr 'Amalee and it is not possible to negate the title of Kufr from the person except after Allaah and His Messenger have absolutely applied it. The one who rules by other than what Allaah has revealed is a disbeliever and the one who abandons the prayer is a disbeliever,

according to the text from the Messenger of Allaah, however it is Kufr of actions ('Amalee) not Kufr 'Itqaad (Kufr of belief). It is not possible that Allaah would name the one who rules by other than what Allaah has revealed as being a "kaafir" and the Messenger of Allaah (*sallallaahu alayhi wassallam*) named the one who leaves the prayer as being a "kaafir" when the title of Kufr was not *absolutely* applied to them. The Messenger of Allaah (*sallallaahu alayhi wassallam*) negated eemaan from the one who commits zinaa, the thief, the one who drinks alcohol and the one whose neighbour is not safe from his harm. So if the title of having eemaan was negated for an individual who falls into such things then he is a disbeliever from the angle of action but the Kufr of Juhood (rejection) and 'Itqaad is not applied to them. Likewise, the hadeeth (which is agreed upon): "*Do not return to being disbelievers after me, by some of you biting the necks of (i.e. killing) others.*" This is kufr of action¹ ²

Therefore, what we say about the issue of ruling by other than what Allaah has revealed we said before and we say now, in accordance with the understanding of the *Salaf* always and there is no understanding after the understanding of the *Salaf*, and what is after the truth except clear misguidance. Allaah says,

(وَمَن يُشَاقِقُ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعُ غَيْرَ سَبِيلٍ)

(الْمُؤْمِنُونَ نُولَئِ مَا تَوَلَّٰ وَنُصْلِلُهُ جَهَنَّمَ وَسَاءَتْ مَصِيرًا)

¹ *As-Salaat wa Hukm Taarikuhu*, pp.72-78

² Aboo Baseer in his book *al-Intisaar li-Ahl it-Tawheed wa'r-Rud 'alaa man Jaadil 'an at-Tawaagheet*, transmits the words of Ibn ul-Qayyim however he cuts and omits huge sections of Ibn Qayyim's words as is Aboo Baseer's way of cutting, omitting and distorting the texts. Where Ibn ul-Qayyim says "**And as for... (wa amma...)**" Aboo Baseer leaves it out and beginning from "**ruling (hukm)...**" where Ibn ul-Qayyim actually said "**wa Amma al-Hukm... (And as for ruling...)**" which is a context that indicates that ruling by other than what Allaah has revealed according to Ibn ul-Qayyim via Kufr 'Amalee does not oppose eemaan from every angle. As for the distorted context which Aboo Baseer tried to show Kufr 'Amalee opposes eemaan from all angles in order to justify Aboo Baseer's distortions. Aboo Baseer underlined "**Maa yudaad al-Eemaan ('whatever opposes eemaan')**" and then followed it with "**al-Hukm bi ghayri maa anzala Allaah ('...ruling by other than what Allaah has revealed')**", in order to emphasise it to reader that Ibn ul-Qayyim viewed that ruling by other than what Allaah has revealed is Kufr 'Amalee which opposes eemaan from every aspect, meaning: expels one from the religion. So beware of these disgusting distortions!

“And whoever opposes the Messenger after guidance has become clear to him and follows other than the way of the believers We will give him what he has taken and drive him into Hell, and evil it is as a destination.”

{an-Nisaa (4): 115}

Aboo Baseer says,

“فمن يتأمل حال الأمة من هذه القضية الهامة - أي التحاكم إلى غير الله - يدرك أن هذا الدين قد عاد غريباً كما بدأ وأشد، حيث أن الحاكم والمشرع - في أكثر الأنصار والديار - هو الطاغوت، وأن الشريعة المتبعة هي شريعة الطاغوت والناس يتحاكمون إليها طواعية ومن دون أن يجدوا في أنفسهم حرجاً من ذلك، فدخلوا في زمرة المشركين الذين يعبدون الطاغوت من حيث يشعرون أو لا يشعرون، ولربما تجد منهم ومع ذلك - من يصلى، ويزعم أنه من المسلمين!“

“Whoever contemplates the condition of the Ummah in light of the important issue, meaning: referring judgment to other than Allaah, will realize that this deen has become strange as it begun and things are worse as the ruler and ruled, in most lands, is a taaghoot and the legislation that is followed is the legislation of taaghoot and the people refer judgment to it out of obedience without them finding any problem in that. They have entered into the Mushrikeen who worship taaghoot whether they perceive it or not, and maybe you will find among them those who pray and claiming to be Muslims!”¹

I say: This *takfeer* of the ruler and the ruled which is clearer than the way of Sayyid Qutb! This saying, to connect the residents of an abode of Islaam with the condition of their rulers, is from the most apparent principles of the Khawaarij. So applying this speech in this way is a dangerous venture, merely referring to other than what Allaah has revealed is not a *taaghoot*, rather it is between kufr and a major sin and the *'Ulama* have explained this. Therefore there is a difference between the case of a person who says the *Shahaadah*, does some actions from the symbols of Islaam and does not openly reject (make *jubood*) the rule of Allaah, and between the one who says that referring judgment and arbitration to other than what Allaah has revealed is better or that ruling by what Allaah has revealed is not suitable for the contemporary era or that it is allowed to rule by other than what Allaah has revealed.

¹ *At-Taaghoot*, pp.35-6

Let's say for arguments sake that what you say (Aboo Baseer) is correct about the ruler who you claim is a "taaghoot", then what about the ruled who pray and fast, are they Muslims?! For the people do not refer judgment to him out of obedience rather he makes it obligatory on them to follow it, which is exactly like your condition (Aboo Baseer!) with the Dunyawee Western system which you live under!

The belief that allows and permits ruling by other than what Allaah has revealed is *kufr* and rejecting anything from the obligations and making it lawful that Allaah has prohibited is also *kufr*, however *takfeer* of a specific person depends on establishing the proofs before *takfeer* is made of an evil. If we look at the *Salaf* we see that mostly they did not apply *takfeer* for some actions, innovations and statements, and when they did apply specific *takfeer* they were strict in the application because the one who fell into the action could have been ignorant, incorrect in interpreting, new in Islaam and the likes which all prevent making specific *takfeer* on an individual. Shaykh ul-Islaam Ibn Taymiyyah (*raheemahullaah*) states:

فَانَ الْإِيمَانُ مِنَ الْاِحْكَامِ الْمُتَلَقِّاةُ عَنِ اللَّهِ وَرَسُولِهِ لَيْسَ ذَلِكَ مَا يَحْكُمُ فِيهِ النَّاسُ
بِظُنُونِهِمْ وَأَهْوَانِهِمْ وَلَا يَجْبُ أَنْ يَحْكُمَ فِي كُلِّ شَخْصٍ قَالَ ذَلِكَ بَانِهِ كَافِرٌ حَتَّىٰ يُثْبَتَ فِي
حَقِّهِ شُرُوطُ التَّكْفِيرِ وَتَنْتَفِي مَوَانِعُهُ مُثْلُ مَنْ قَالَ أَنَّ الْخَمْرَ أَوِ الرِّبَا حَلَالٌ لِقَرْبِ عَهْدِهِ
بِالْإِسْلَامِ أَوْ لِنَشْوَهِ فِي بَادِيَةِ بَعِيْدَةِ أَوْ سَمِعَ كَلَامًا أَنْكَرَهُ وَلَمْ يَعْتَقِدْ أَنَّهُ مِنَ الْقُرْآنِ وَلَا أَنَّهُ
مِنْ أَحَادِيثِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ.
كَمَا كَانَ بَعْضُ السَّلْفِ يَنْكِرُ أَشْيَاءَ حَتَّىٰ يُثْبَتَ عَنْهُ أَنَّ النَّبِيَّ قَالَهَا وَكَمَا كَانَ الصَّحَابَةُ يَشْكُونُ
فِي أَشْيَاءَ مُثْلِ رُؤْيَاةِ اللَّهِ وَغَيْرِ ذَلِكَ حَتَّىٰ يَسْأَلُوا عَنِ ذَلِكَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَمُثْلِ
الَّذِي قَالَ إِذَا أَنَا مَتْ فَاسْحَقُونِي وَذَرُونِي فِي الْيَمِّ لَعَلِيٍّ أَضْلَلُ عَنِ اللَّهِ وَنَحْوَ ذَلِكَ فَإِنْ هُؤُلَاءِ لَا
يَكْفِرُونَ حَتَّىٰ تَقُومُ عَلَيْهِمُ الْحَجَةُ بِالرَّسُالَةِ كَمَا قَالَ اللَّهُ تَعَالَى

For eemaan is judged according to the rules that are received from Allaah and His Messenger, those rules are not determined by what people think and desire. **Nor is it obligating that every person who says that (a statement of *kufr*) be judged as a *kaafir* until the conditions of *takfeer* are realized regarding his case and all of the preventative factors are removed. Like in the case of one who says that alcohol or interest is *halaal* due to being new in Islaam or raised in the far away villages or hears some speech which he denies and does not believe is from the Qur'aan or from the ahaadeeth of the Messenger of Allaah**

(sallallaahu alayhi wassallam). This is just how some of the Salaf used to deny something until it had been affirmed that the Prophet said it, like when some of the Companions doubted seeing Allaah on the Day of Judgment and other matters until they asked the Messenger of Allaah (sallallaahu alayhi wassallam) about it and like the one who said “When I have died, burn me, then crush me and scatter [my ashes] into the sea” because he was afraid of Allaah and the likes of these matter. These are not made takfeer of until the proofs of the message are established on them, as Allaah says,

(إِنَّمَا يَكُونُ لِلنَّاسِ عَلَى اللَّهِ حُجَّةٌ بَعْدَ الرُّسُلِ)

“...so that mankind will have no argument against Allaah after the messengers.”

{an-Nisaa (4): 165}

وقد عفى الله لهذه الامة عن الخطأ والنسيان".

Allaah has forgiven this Ummah for its errors and forgetfulness.¹

Shaykh ul-Islaam Ibn Taymiyyah also said:

”أما من كان في قلبه الإيمان بالرسول وما جاء به وقد غلط في بعض ما تأوله من البدع فهذا ليس بكافر أصلاً، والخوارج كانوا من أظهر الناس بدعة وقتالاً للأمة وتكفيراً لها، ولم يكن في الصحابة من يكفرهم لا علي بن أبي طالب ولا غيره، بل حكموا فيهم بحكم المسلمين الظالمين المعذبين” اهـ.

As for whoever has eemaan in his heart of the Messengers and what he came with yet erred in some interpretations and fell into innovation, then such a person is not a disbeliever at all. The Khawaarij were the most apparent people in the innovation and fighting against the Ummah and making takfeer of the Ummah yet none of the Sahaabah made takfeer of them, neither 'Ali ibn Abee Taalib nor anyone else. Rather they were judged as being transgressing oppressive Muslims.²

Contemplate on these, and other, evidences and you will know the difference between the way of the 'Ulama and the way of Aboo Baseer at-Tartoosee and those like him from the innovators and ‘thinkers’ and that they only transmit that from the *Salaf* which justifies their ideologies.

¹ *Majmoo' al-Fataawaa*, vol.35, pp.165-66

² *Ibid.*, vol.7, pp.217-18

THE PRINCIPLE OF LOVE AND HATE [ALLEGIANCE AND DISAVOWAL] ACCORDING TO ABOO BASEER AT-TARTOOSEE

Aboo Baseer stated under the heading 'Allegiance and Disavowal [Love and Hate]':

"**مما يدخل كذلك في مسمى العبادة: الحب والكره والمولاة والمعاداة، فمن كانت مواليته ومعاداته وحبه وكرهه لله تعالى وفي الله، بحيث يحب الله ويكره الله ويوالي من يوالى الله ورسوله، ويعادي من يعادى الله ورسوله، ويرضى ما يرضي الله، ويبغض ما يبغض الله، فهو حينئذ يكون عبداً لله تعالى وحده، وقد كمل إيمانه، ومن كان مناط حبه وكرهه، ومواليته ومعاداته غير الله تعالى، فهو عبد لهذا الغير - مهما اختلفت وتعدلت صوره وأشكاله - وداخل في عبادته وتقديسه أقر له بذلك أم لم يقر. وفي الحديث فقد صح عن النبي ع أنه قال: (من أحب الله وأبغض الله وأعطى الله ومنع الله، فقد استكمل الإيمان) الصحيفة: 380.**

"What is likewise included into what is called 'an act of worship' is love and hate, allegiance and disavowal. So whoever's allegiance, enmity, love and hate is for Allaah – wherein a person loves for Allaah, hates for Allaah, allies to whoever Allaah and His Messenger allies to, has enmity to whoever Allaah and His Messenger have enmity to, are pleased with what pleases Allaah and hates what Allaah hates - then when a person does all of these things, the person will be a servant of Allaah alone and has perfected his eemaan. Whoever has an object of love, hate, allegiance and disavowal which is other than Allaah then the person has become a servant to that other object, regardless of its various and numerous shapes and forms that this may take, the person is included in worshipping it and sanctifying it. This is whether the person intentionally establishes this or not. In the hadeeth which has been authenticated from the Prophet (sallallaahu alayhi wassallam): "Whoever loves for Allaah, hates for Allaah, gives for Allaah and takes for Allaah has perfected his eemaan.""

Then Aboo Baseer states:

"Nothing is to be loved of itself except Allaah and nothing else is to be loved instead or Him or with Him."

I say: in my study of the statements of this man (Aboo Baseer) it is noticeable that he lacks knowledge of the principles and guidelines of the Divine Legislation which the 'Ulama traverse in explaining knowledge-based issues. This type of confusion is not strange because the man did not study *Usool* and as is said,

*Whoever is prohibited from *Usool*,
Is prohibited achieving anything*

Because we know that love and hate are included in acts of worship, however doing it (as an action) not out of worship and servitude is major *shirk*, because worship is particular only to Allaah, but mere love, hate and allegiance is not worship in itself because these things, and other things, are done for Allaah and for other than Allaah. However, doing them for Allaah is done out of worship and when done to other than Allaah is not done out of worship, so there has to be some explanation in light of the evidence and this is the correct way. It is mentioned in the Qur'aan about love of the Messenger of Allaah,

(فَلْ إِنْ كَانَ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ وَإِخْوَانُكُمْ وَأَزْوَاجُكُمْ وَعَشِيرَاتُكُمْ وَأَمْوَالُ
اَقْرَفْتُمُوهَا وَتِجَارَةُ تَخْشَونَ كَسَادَهَا وَمَسَاكِنُ تَرْضَوْنَهَا أَحَبُّ إِلَيْكُمْ مِّنَ
اللَّهِ) (وَرَسُولِهِ وَجِهَادٍ فِي سَبِيلِهِ فَتَرَبَّصُوا حَتَّىٰ يَأْتِيَ اللَّهُ بِأَمْرِهِ وَاللَّهُ لَا
يَهْدِي الْقَوْمَ الْفَاسِقِينَ)

Say, [O Muhammad], "If your fathers, your sons, your brothers, your wives, your relatives, wealth which you have obtained, commerce wherein you fear decline, and dwellings with which you are pleased are more beloved to you than Allaah and His Messenger and jihaad in His cause, then wait until Allaah executes His command. And Allaah does not guide the defiantly disobedient people."

{at-Tawbah (9): 24}

And Allaah says,

(وَعَسَىٰ أَن تَكْرَهُوا شَيْئًا وَهُوَ خَيْرٌ لَّكُمْ وَعَسَىٰ أَن تُحِبُّوا شَيْئًا وَهُوَ شَرٌّ
لَّكُمْ)

“But perhaps you hate a thing and it is good for you; and perhaps you love a thing and it is bad for you.”

{al-Baqarah (2): 216}

So based on this, the scholars' explanations wherein the different types are mentioned along with the ruling of each type. So love can be major *shirk* when one equates other than Allaah with Allaah in absolute specific love for Allaah, if one loves and hopes in other than Allaah and hopes that other than Allaah will forgive your sins or enter you into Paradise.

- Love can be minor *shirk* wherein the heart is connected to an object of love and usually connection does not reach the level of major *shirk*.
- Love can be innovation, such as extremism in love of the Messenger of Allaah without having the same level of love for Allaah.
- Love can be prohibited, such as passionate love for women and for *haram* pictures.
- Love can be disliked, such as loving prohibited actions
- Love can be recommended, such as love of gaining nearness to Allaah with the extra actions of worship.
- As for the obligatory love of Allaah then it includes love for Allaah such as love of the Messenger of Allaah (*sallallaahu alayhi wassallam*)
- Finally, permitted love is such as love of natural things and love of some types of food, clothes, one's family, wealth, marriage and the likes which are natural to love and do not negate the Divine Legislation.

As for the statements of Ibn Taymiyyah and Ibn ul-Qayyim which Aboo Baseer tried to use as proofs then the intent with what they said is about the love of servitude as nothing is loved in and of itself except Allaah. As for the Prophets and the righteous then love of them is not due to them of themselves rather it is because Allaah has instructed to love them. There is no doubt that a person loves something in and of itself, but can it be then said that this love is the same as loving other than Allaah with Allaah in things that are unique to Allaah? By Allaah no! Shaykh ul-Islaam attests to this as the context of his words indicate.

Then Aboo Baseer states – after trying to use the *hadeeth* of Anas (*radi Allaahu 'anhu*) as a proof wherein the Prophet (*sallallaahu alayhi wassallam*) said: “A

servant does not believe until I am more beloved to him than his family, wealth and all of the people";

"وانتفاء الإيمان لا يكون إلا لنوع شرك يتضمن نوع عبادة لغير الله تعالى".

"The removal of eemaan is only due to a type of shirk which includes a type of worship to other than Allaah."¹

I say: As for his use of the *hadeeth* as evidence in negating *eemaan*, then the 'Ulama have differed about that and if whether the *hadeeth* is regarding the foundation and origin of *eemaan* as the apparentness of the *hadeeth* indicates or the perfection of *eemaan*. Some of the scholars say that negation is for the foundation and origin of *eemaan* and Ibn Hajar stated:

"وفي كلام القاضي عياض أن ذلك شرط لصحة الإيمان لأن حمل المحبة على معنى التعظيم والإجلال وتعقبه صاحب المفهوم بأن ذلك ليس مراداً هنا لأن اعتقاد الأعظمية ليس مستلزمًا للمحبة إذ قد يجد الإنسان إعظام شيء مع خلوه من محبته ثم استدل بحديث عمر لأنك أحب إلى من كل شيء إلا نفسي، فهذه المحبة ليست باعتقاد الأعظمية فقط فإنها كانت حاصلة لعمر قبل ذلك قطعاً" اهـ.

Within the speech of al-Qaadee 'Ayyaad is that it is a condition for the correctness of *eemaan* because love carries the meaning of glorification and magnifying. The author of *al-Mufhimm* (Imaam al-Qurtubee) also followed this view that the intended meaning here is not that belief is not a requirement for love when a person is found to glorify something out of love. Then he used as a proof the *hadeeth* of 'Umar that "you are more beloved to me than everything except myself", this type of love is not belief in the glorification of something, it is only something which 'Umar certainly had before that.²

Aboo Baseer stated:

"ومنه يعلم أن هذه الأنظمة والقوانين الوضعية السائدة والحاكمة في أ المصادر المسلمين، هي دين وإن لم يسمها أهلها بذلك، ومن دخل فيها أو تابع الطغاة عليها، أو رضي بها فهو في غير دين الله - وهو في دين الطاغوت - وإن زعم الإسلام وتسمى بأسماء المسلمين".

"What is known is that these systems and man-made laws which are referred to in Muslim countries are a deen even though they are not called that by the

¹ *At-Taaghoot*, pp.42-43

² *Fath ul-Baaree*, vol.1, p.76

people. Whoever enters them or follows those transgressors into them, or is pleased with such (man-made) systems is not upon the deen of Allaah, he is upon the deen of taaghoot, even if he claims Islaam and has a Muslim name.”

I say: Another example of *takfeer* of Muslim societies due to regulations without a Divinely Legislated proof. For the mere ruling by man-made law which opposes the Divine Legislation is not *kufr* which expels from the religion, except if it is said that such man-made laws are better than the Divine Legislation of Allaah, or if a person views that it is permissible to rule by it even if he says that the rule of the Divine Legislation is better, because he has made lawful what Allaah has prohibited. As for if does that (i.e. rules by man-made law) due to following his desires and he knows that he is disobeying Allaah by doing that, then such a person is of the disobedient people of major sins and he is considered to have committed minor *kufr*, minor, minor *dhulm* and minor *fisq*. Primarily such a person is not a disbeliever if the laws are common and customary and not acts of worship, such as the laws and regulations that Aboo Baseer is humble to and loves, like the (UK) travel regulations! Shaykh ul-Islaam Ibn Taymiyyah said:

”والإنسان متى حلل الحرام المجمع عليه أو حرم الحلال المجمع عليه، أو بدل الشرع المجمع عليه، كان كافراً مرتدًا باتفاق الفقهاء، وفي مثل هذا نزل قوله على أحد القولين:

When a person makes halaal whatever is haraam by consensus, or prohibits whatever is halaal by consensus, or changes whatever is from the Divine Legislation by consensus - is a disbelieving apostate by agreement of the fuqahaa. With regards to the likes of these people Allaah revealed,

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ)

”And whoever does not judge by what Allah has revealed – then it is those who are disbelievers.”

{al-Maa'idaah (5): 44}

أي المستحل للحكم بغير ما أنزل الله" اهـ

Meaning: the one who makes it lawful to rule by other than what Allaah has revealed.¹

Aboo Baseer states:

¹ *Majmoo' al-Fataawaa*, vol.7, pp.37-39

ومنه يعلم أن المعبود - ولو في جزئية من جزئيات العبادة - هو إله و مألوه بالنسبة لعابده ومن دخل في عبادة غير الله عز وجل فيما يعتبر من خصائص الإلهية، فقد أقر لهذا الغير بالإلهية، واتخذ إلهًا مع الله أو من دونه"

"What is known is that the object that is worshipped, even in some aspects of worship, is a deity for the one who worships it, whoever includes other than Allaah in worship in what is considered to be the special characteristics of Allaah, has accepted this other thing as divine and taken it as an ilah (deity) with Allaah or instead of Allaah."

Aboo Baseer continues:

"وبالتالي فإن من يدعى من الخلق - وما أكثرهم في زماننا - هذه الخاصية لنفسه ، خاصية التشريع والتحليل والتحريم، فقد ادعى الإلهية وجعل من نفسه ندًا لله تعالى، ومن أقر له بهذه الخاصية أو تابعه فقد أقر له بالإلهية ورضي بها له، وتاله من دون الله تعالى".

"Furthermore, whoever from the creation calls to himself in this particular quality and characteristic of legislating, legalizing and prohibiting, and how many they are in our time, has claimed divinity and set himself up as a partner to Allaah. Whoever accepts this from such a person, or follows such a person who claims this for himself, has accepted divinity for the person and is pleased with it..."¹

This is the third or fourth or fifth recurrence to making *takfeer* without any principle as coordinated by Sayyid Qutb and in line with the *manhaj* of the Khawaarij! This is repetition of what went before and his statements enrich us to refute him! This is not a correct resource whatsoever it is only emotional rhetoric which is far from a precise academic methodology. The creation claiming the unique quality of legislation, legalizing and prohibiting needs to be verified with a decisive proof and it also has to be highlighted here that mere following (such legislators) is not an evidence for firm attestation (in believing that the person can legislate, legalise and prohibit).

Finally: there is no doubt that Abaa Baseer lives among the kuffaar, in Britain, who call to themselves in the unique characteristic of legislation, legalizing and prohibiting and he attests to this unique and special quality and judgment to them in affairs of his life specifically and generally! I place between your hands the

¹ *At-Taaghoot*, pp.56-7

speech of Shaykh ul-Islaam Ibn Taymiyyah which nullifies this nonsense in order to view the difference between the speech of the people of knowledge from the luminaries and the gullible ones like this *jahool* (one who easily falls into ignorance and foolishness, i.e. in this case Aboo Baseer).

ABOO BASEER AND HIS UNDERSTANDING OF THE MEANING OF 'AT-TAAGHOOT'

Aboo Baseer says,

مسألة هل كل طاغوت كافر؟!
عندما يثار مثل هذا السؤال، لا شك أنه لا يراد منه الحجر أو الشجر التي تعبد من دون الله -
كم من يفعل ممن يريدون أن يميطوا قضية الكفر بالطاغوت - وإنما يراد به شياطين الإنس
والجن التي تعبد من دون الله".

"The issue of: 'is every taaghoot a disbeliever?!" When the likes if this question is posed there is no doubt that it does not intend stones and trees which are worshipped besides Allaah, as those who want to water down the issue of the kufr of the taaghoot do. Rather, the intent of it is in reference to the Shayaateen from the humans and Jinn who are worshipped other than Allaah."¹

I say: The meaning of "taaghoot" which Aboo Baseer denies as being what is intended (stones and trees worshipped other than Allaah) and his restriction of the term to mean only the Shayaateen from humans and Jinn, is a definition that I do not know that anyone from the Imaams of the *Salaf* have made! This (definition of Aboo Baseer) is *tamyee'* (watering down) of the reality of *shirk* of grave-worshipping which has tested people during this era and in every era and place. Rather, this is watering down the idols which are worshipped other than Allaah. Imaam Muhammad ibn 'AbdulWahhaab (*rabeemahullaah*) stated:

"معنى لا إله إلا الله، نفي، وإثبات؛ لا إله نفي، إلا الله إثبات؛ تنفي أربعة أنواع؛ وتثبت أربعة أنواع؛ المنفي الآلهة، والطواقيت، والأنداد، والأرباب.

¹ *At-Taaghoot*, p.70

فَإِلَهٌ مَا قَصَدْتَ بِشَيْءٍ مِّنْ جَلْبٍ خَيْرٍ، أَوْ دَفْعٍ ضَرًّا، فَأَنْتَ مُتَخَذِّهُ إِلَهٌ، وَالظَّوَاغِيْتُ: مِنْ عَبْدٍ، وَهُوَ رَاضٌ، أَوْ تَرْشِحٌ لِلْعِبَادَةِ، مِثْلُ: شَمْسَانٌ؛ أَوْ تَاجٌ، أَوْ أَبُو حَدِيدَةٍ".

The meaning of 'La ilaha il-Allaah' is negation and affirmation. La ilaha: is negation and 'il-Allaah' is: affirmation. It negates four types and four categories. The negated categories are deities, tawaagheet, partners and lords. An ilah is that which is sought to bring about good or avert harm and is taken as a god. The tawaagheet are: whoever is worshipped and it please with that worship, or one who is put forward for worship, such as Shamsaan, Taaj or Aboo Hudaydah.

The Imaam also said,

"وَأَعْظَمُ: أَنَّهُمْ يَسْتَغْيِثُونَ بِالظَّوَاغِيْتِ، وَالْكُفْرَةِ، الْمَرْدَةِ مِثْلُ: شَمْسَانٍ؛ وَإِدْرِيْسَ، وَيُوسُفَ، وَأَمْتَالُهُمْ؛ وَاللَّهُ أَعْلَمُ".

The worst: those who seek help from the tawaagheet, disbelievers and apostates, such as: Shamsaan, Idrees, Yoosuf and their likes, Allaah knows best.

He also said:

Many of those who claim knowledge and understanding have confused the intended meaning of 'La ilaha il-Allaah' such as Ibn Kamaal and his likes from the *tawaagheet*. They attest to what contradicts La ilaha il-Allaah from *shirk* in worship and they believe that the *shirk* they are doing is a religion...

Aboo Baseer says after listing the types of *tawaagheet*, including 'the ruler who rules by other than what Allaah has revealed':

"الحاكم بغير ما أنزل الله رأس في الطغيان والجور، لمحاورته حكم الله تعالى وإعراضه عنه، واستبداله بحكم وشرائع الجاهلية الأخرى".

"The ruler by other than what Allaah has revealed is at the head of *tughyaan* (transgression) and oppression, due to his transgressing the rule of Allaah, turning away from it and substituting it for other legislations of ignorance."

Then he tries to use as a proof some verses for making *takfeer* of the rulers who do not rule by what Allaah has revealed, such as the sayings of Allaah,

(أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِّقَوْمٍ يُوْقِنُونَ)

"Then is it the judgment of [the time of] ignorance they desire? But who is better than Allaah in judgment for a people who are certain [in faith]."

{al-Maa'idah (5): 50}

Then Aboo Baseer says

"وَمَنْ يَنْلَهُ مَسْمَى الطَّاغُوتِ وَصَفْتَهُ لَعْدَ حُكْمِهِ بِمَا أَنْزَلَ اللَّهُ، قَضَاهُ الْمَحَاكِمُ الْوَضْعِيَّةُ،
وَالْمَحَاكِمُ الْعَالَمِينَ فِيهَا الَّذِينَ يَحْكُمُونَ فِي النَّاسِ بِشَرَائِعِ الطَّاغُوتِ، وَنَحْوُهُمْ مُشَايخُ الْعَشَائِرِ
وَالْقَبَائِلِ الَّذِينَ يَحْكُمُونَ بِالْعَادَاتِ السَّائِدَةِ، وَبِالْأَعْرَافِ وَالْأَهْوَاءِ، وَسُوَالِيْفَهُمُ الْبَاطِلَةُ، وَيَقْدِمُونَهَا
عَلَى شَرِعِ اللَّهِ تَعَالَى".

"From what also justifies them to be called 'taaghoot' and describe them as not ruling by what Allaah has revealed, is the issue of man-made laws and lawyers (within such judicial systems) who judge among people with legislations of taaghoot and the likes such as tribal elders and families who judge by traditional customs, desires and void customs which they put forward over the Divine Legislation of Allaah."

The other verse Aboo Baseer tries to use is,

(يُرِيدُونَ أَنْ يَتَحَكَّمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ)

"...They wish to refer legislation to taaghoot, while they were commanded to reject it..."

{an-Nisaa (4): 60}

Then Aboo Baseer says,

"وَلَا شُكَّ أَنَّ الطَّاغُوتَ الْوَارِدَ ذَكْرُهُ فِي الْآيَةِ يَشْمَلُ الْحَاكِمَ بِغَيْرِ مَا أَنْزَلَ اللَّهُ".

"There is no doubt that the taaghoot highlighted in the verse includes the one who rules by other than what Allaah has revealed."¹

In regards to the first *ayah*: then ascribing something as being 'jaahiliyyah' or describing something as having 'jaahiliyyah' is not a proof of *kufr*. Also it cannot be ascribed as being 'kufr' except with an external proof which indicates *kufr*. What clarifies this is the saying of the Prophet (*sallallaahu alayhi wassallam*) to Abee Dharr (*radi Allaahu 'anhu*): "You still have some *jaahiliyyah* in you" and what the Prophet (*sallallaahu alayhi wassallam*) said in the *hadeeth* of Abee

¹ Ibid., pp.79-80

Maalik al-'Ash'aree (*radi Allaabu 'anhu*) in *Saheeh Muslim*: “Four things from *Jaahiliyyah* will not be abandoned...” Aboo 'Ubaydah al-Qaasim bin Sallaam said:

Have you not heard Allaah's saying,

(أَفْحُكْمَ الْجَاهِلِيَّةَ يَبْغُونَ وَمَنْ أَحْسَنُ مِنَ اللَّهِ حُكْمًا لِّقَوْمٍ يُوَقِّنُونَ)

“Then is it the judgment of [the time of] ignorance they desire?”

{al-Maa'idah (5): 50}

It's interpretation by the commentators of the Qur'aan is that whoever rules by other than what Allaah has revealed and follows Islaam is someone who rules by something from the people of *jaahiliyyah*, because only the people of *jaahiliyyah* used to judge in such ways.¹

As for the second *ayah* then it is clearly apparent that it indicates *takfeer* for the situation of ruling by other than what Allaah has revealed absolutely, because the verse includes 2 matters:

Firstly: Their *eemaan* was a mere claim due to them desiring to rule by *taaghoot*.
Secondly: From the characteristics of the people of false *eemaan* is their desire to refer judgment to *taaghoot* and resembling the *Munafiqeen* or one of their characteristics which does necessitate *kufr*, such as lying.² So based on this whoever rules by other than what Allaah has revealed has resembled the *Munafiqeen* in one of their characteristics, yet this does not necessitate *kufr* except with another proof. Ibn Jareer said,

”يريدون أن يتحاكموا في خصومتهم إلى الطاغوت يعني إلى من يعظمنه ويصدون عن قوله

ويرضون بحكمه من دون حكم الله

They want to refer judgment to *taaghoot* for their disputes, meaning to those who they exalt and are pleased with to rule other than the rule of Allaah,

(وَقَدْ أَمْرُوا أَن يَكْفُرُوا بِهِ)

“...while they were commanded to reject it...”

{an-Nisaa (4): 60}

¹ Aboo 'Ubayd al-Qaasim bin Salaam, Muhammad Naasiruddeen al-Albaanee (ed.), *Kitaab ul-Eemaan*, p.90

² *Jaami' ul-Bayaan fee Tafseer il-Qur'aan*, vol.5, p.99

يقول وقد أمرهم أن يكذبوا بما جاءهم به الطاغوت الذي يتحاكمون إليه فتركوا أمر الله واتبعوا أمر الشيطان" اه

So Allaah is saying that He ordered them to deny what the taaghoot came with which is referred to for judgment, so they left Allaah's order and followed the command of Shaytaan.¹

ABOO BASEER AND ESTABLISHING THE PROOF

Aboo Baseer states:

"اشترط قيام الحجة قبل تكفير المعين، يكون في حالة رجحان الظن أن ذاك المعين قد وقع في الكفر عن جهل لا يمكن دفعه ، لأن العجز يرفع التكليف، وهذا ما يقصده الشيخ رحمه الله، [أي محمد بن عبد الوهاب].
أما إذا كان كفره عن جهل أو عجز يمكن دفعه لكنه لا يفعل تقصيرا أو تفريطا، فإنه لا ولا يشترط لتكفيره قيام الحجة، لأن الخطأ لا يبرر الخطأ ولا يكون عذرا ويكفر بعينه، يعذر، ولقوله تعالى له،

"Making a condition for the proofs to be established before making takfeer of a specific person, is in a state of most probable thought on whether that specific person fell into kufr out of ignorance which cannot be defended due to the inability to remove responsibility. This is what the Shaykh (raheemahullaah) intended (i.e. Muhammad ibn 'AbdulWahhaab). Or if his kufr is due to ignorance or inability then it is possible to defend him, however if he did not do it out of neglect or excess, so such a person has no excuse and he is made takfeer of specifically and to make takfeer of such a person does not necessitate to establish the proof because a mistake does not justify another mistake and is not an excuse for him,

(فَانْقُوا اللَّهَ مَا أَسْتَطَعْتُمْ)

"So fear Allaah as much as you are able..."

{Taghaabun (64): 16}

Such a person is able to avert kufr from himself but he did not do anything to avert it. So if the matter is like this for one who is in this state then

¹ Ibid., p.96

primarily he is not excused and there does not have to be the condition of establishing the proof for making takfeer of such a person. Wherever the Divine Legislation proof has revealed correctly has ignorance removed from him in regards to the kufr which he fell into.

I also say: Because the Murji'ah of the era make establishing the proof the sum objection before takfeer can be made specifically, even if the one being made takfeer of is more transgressive than Iblees and more knowledgeable than him!"¹

I say: This speech is *baatil* and based on ignorance of establishing the proofs, it is speech devoid of *daleel*. What indicates what I say is the lack of any statements for the people of knowledge justifying these false conditions (of Aboo Baseer) and it is apparent that the man (Aboo Baseer) does not differentiate between the regulations of the worldly life and the regulations for the Hereafter.

I do not know where this man got the condition of 'strongest opinion' and 'the most probable thoughts' from?? From the authentic Sunnah is that which opposes this in the story of Usaamah bin Zayd (*radi Allaahu 'anhu*) when he killed the man who said '*La ilaha il-Allaah*.' The Prophet (*sallallaahu alayhi wassallam*) rebuked Usaamah for what he did even though the strongest opinion was that the man said the *Shahaadah* out of seeking refuge and out of fear of the sword. The origin of the man was *kufr* and it is thought that he did not really intend *eemaan*, and rather wanted to be saved from being killed. Yet, the Prophet (*sallallaahu alayhi wassallam*) judged the man to have Islaam. So if you (O Aboo Baseer!) view that a man has accepted Islaam by stating the *kalima 'La ilaha il-Allaah'* it renders your principle void and rejected. If you view anything other than this then you have opposed the Prophet (*sallallaahu alayhi wassallam*), so choose for yourself one of the two! This is the first matter.

Secondly, the inability of a matter is relational and differs from circumstance to circumstance and from place to place, it is not possible to base Divinely Legislated regulations upon this, especially in the field of such delicate matters of expelling people from the fold of Islaam into *kufr*. There has to be an explanatory understanding of the realities of the matter, this issue is not as easy as you imagine

¹ *At-Taaghoot*, p.71, ftn.

(O Abaa Baseer!) with your corrupted imagination and void conditions.¹ For this reason, the Divine Legislation controlled such void conditions by establishing the proofs, after verifying the conditions and the removal of the preventative factors, this is in regards to regulations in the *Dunya*. As for the Hereafter then only Allaah has knowledge of it. If you had received knowledge from the people who are specialized in it and you followed their statements in explaining the meaning of establishing the *hujjah*, how could you have taken these dangerous risks? Ibn Taymiyyah (*raheemahullaah*) said:

"وإذا عرف هذا فتكفير المعين من هؤلاء الجهال وأمثالهم - بحث يحكم عليهم بأنه من الكفار - لا يجوز القيام عليه إلا بعد أن تقوم على أحدهم الحجة الرسالية التي تبيّن بها أنهم مخالفون للرسول ، وإن كانت هذه المقالة لا ريب أنها كفر".

If this is known, then to make specific takfeer, as done by those *juhaal* and their likes wherein they judge people to be *kuffaar*, is not permissible except after the Prophetic proofs have been established which clarify to them that they have indeed opposed the Messenger, if there is no doubt that the saying is *kufr*.²

He then stated:

"هذا مع أنني دائمًا ومن جالسني يعلم ذلك مني: أنني من أعظم الناس نهياً عن ينسب معين إلى تكفير وتفسيق ومعصية، إلا إذا علم أنه قد قامت عليه الحجة الرسالية التي من خالفها كان كافراً تارة، وفاسقاً أخرى، وعاصياً أخرى، وإنني أقر أن الله قد غفر لهذه الأمة خطأها، وذلك يعم الخطأ في المسائل الخبرية القولية والمسائل العلمية".

I am of those who forbid ascribing takfeer, tasfeeq and disobedience to a specific person until it is known that the Prophetic proof has been

¹ Aboo Baseer in Part 6 of a series of lectures entitled 'Conditions of *La ilaha il-Allaah*', which can be downloaded from the 'Islambase.co.uk' and 'The Path to Paradise' websites, after 40 minutes gives his own principles for establishing the *hujjah*, with no precedent in this whatsoever and with no reference to any scholars whatsoever! In the Q & A session, after 1 hour and 26 minutes Aboo Baseer says "**How can one have the excuse of ignorance when he is able to go and learn**", so he makes *takfeer* on account of the action being left off and this is the basis of the Khawaarij. [TN]

² *Majmoo' al-Fataawaa*, vol.12, p.500

established on the person. Such a proof is of the level which if a person were to deny would be a disbeliever, or a faasiq (sinner) or disobedient at other times. I affirm that Allaah has forgiven the mistakes of this Ummah and this covers both matters of reports of sayings and knowledge-related issues.¹

Ibn ul-Qayyim (*raheemahullaah*) stated:

"وَاللَّهُ يَقْضِي بَيْنَ عِبَادِهِ يَوْمَ الْقِيَامَةِ بِحُكْمِهِ وَعَدْلِهِ، وَلَا يَعْذِبُ إِلَّا مَنْ قَامَتْ عَلَيْهِ حِجْتُهُ بِالرَّسُلِ، فَهَذَا مُقْطُوعٌ بِهِ فِي جَمْلَةِ الْخَلْقِ، وَأَمَّا كُونُ زِيدَ بْنِ عَيْنَهِ وَعُمَرَ قَاتِلَيْهِ الْحَجَّةَ أُمَّ لَا، فَذَلِكَ مَا لَا يُمْكِنُ الدُّخُولُ بَيْنَ اللَّهِ وَبَيْنَ عِبَادِهِ".

And Allaah will judge between His servants on the Day of Judgment by His Judgment and Justice and no one will be punished except those who have had the proofs established on them by the Messengers.²

This speech of Shaykh Muhammad bin 'AbdulWahhab (*raheemahullaah*) testifies to this and the statement of the Imaams of the *Salaf* before and after him about a Muslim who has the proofs established on him but the preventions were not applied, so they make the condition of establishing the proofs in making *takfeer* of a person. It is understood from the speech of the Shaykh that he makes absolute specific *takfeer* and this is a false invention and lie upon the Shaykh.³

¹ Ibid., vol.3, p.229

² *Tareeq al-Hijratyan*, pp.412-14

³ Aboo Baseer in part 6 of a series of lectures entitled 'Conditions of *La ilaha il-Allaah*', which can be downloaded from the 'Islambase.co.uk' and 'The Path to Paradise' websites, after 50 minutes tries to give his own explanation of the words of Imaam Muhammad ibn 'AbdulWahhaab, and interprets them in a way which the scholars specialised in the works of Muhammad ibn 'AbdulWahhaab have not relayed at all. [TN]

OTHER ERRORS IN THE ISSUE OF RULING BY OTHER THAN WHAT ALLAAH HAS REVEALED

Aboo Baseer states under the title 'the statement about one who rules according to other than what Allaah has revealed':

"نَحْنُ إِذْ نَتَكَلَّمُ - فِي بحثنا - عَنْ طُغْيَانِ الْحَاكِمِ الَّذِي يَحْكُمُ بِغَيْرِ مَا أَنْزَلَ اللَّهُ، وَعَنْ حَكْمِ الشَّرِيعَةِ، وَلَا يَرْضَى عَنْهُ بَدِيلًا، وَيُسْعِي إِلَى تَطْبِيقِهِ - قَدْرِ طَاقَتِهِ - فِي جُمِيعِ مَحَالَاتِ الْحَيَاةِ، لَكِنَّهُ فِي وَاقْعَةٍ - وَقْلٍ وَقَائِعٍ - تَخُونُهُ نَفْسُهُ، فَيَحْكُمُ فِيهَا بِغَيْرِ مَا أَنْزَلَ اللَّهُ لِضَعْفِ فِي نَفْسِهِ أَوْ هُوَ، مَعَ اعْتِرَافِهِ بِالتَّقْصِيرِ وَشَعُورِهِ بِالْإِلَاثِ، كَمَا هُوَ حَالٌ كَثِيرٌ مِنْ حَكَامِ بَنِي أُمَّيَّةِ وَالْعَبَاسِيِّينَ، وَغَيْرِهِمْ مِنْ حَكَامِ الْمُسْلِمِينَ الَّذِينَ جَاؤُوا مِنْ بَعْدِهِمْ.

فَهُؤُلَاءِ - وَمِنْ كَانَ عَلَى صُورَتِهِمْ - لَا نَقُولُ إِلَّا بِإِسْلَامِهِمْ، وَلَا نَعْرِفُ أَحَدًا مِنْ أَهْلِ الْعِلْمِ الْمُعْتَرِفِينَ قَالَ بِكُفْرِهِمْ، وَعَلَيْهِمْ وَعَلَى أَمْتَالِهِمْ مَحْمُلٌ مَقْوِلَةُ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ وَغَيْرِهِ مِنْ أَهْلِ الْعِلْمِ: إِنَّهُ كُفُرٌ دُونَ كُفُرٍ، وَلَيْسَ بِالْكُفُرِ الَّذِي يَنْقُلُ عَنِ الْمَلَةِ، وَأَنَّهُمْ فَعَلُوا فَعْلًا يَضَاهِي أَفْعَالِ الْكُفَّارِ.

فَنَحْنُ لَا نَرِيدُ هَذِهِ الصُّورَةَ الْشَّبِهُ غَايَةً عَنِ السَّاحَةِ وَمِنْذَ زَمِنٍ بَعِيدٍ، وَإِنَّمَا نَرِيدُ حَالَةً أُخْرَى، نَرِيدُ تَلْكَ الصُّورَةَ السَّائِدَةَ فِي كَثِيرٍ مِنْ أَمْصَارِ الْمُسْلِمِينَ" اهـ.

"If in our study we speak about the oppression of the leader who rules by other than what Allaah has revealed, and about the rule of the other than what Allaah has revealed, and about the rule of the Divine Legislation. Such a leader is not pleased with it as a substitute, and tries to implement the Divine Legislation as he is able in all aspects of life, however he, in a circumstance, or some circumstances, is overtaken by his desire and he rules by other than what Allaah has revealed out of a weakness in himself or out of desire. Such a leader admits his shortcomings and sinful feelings, like the situation of most of the rulers of Bani 'Umayyah and the Abbasids and other Muslim rulers who came after them. Whoever is like this, we say nothing except that they are upon Islaam and we do not know anyone from the people of knowledge who made takfeer of this category of people. The statement of Ibn 'Abbaas (radi Allaahu 'anhu) is to be applied to them, that this is kufr

less than kufr and not the kufr which expels one from the religion, they have done an action of the kuffaar. We do not intend this absent type (of ruler) which was found a long time ago, we rather intend another type (ruler), which is found in most of the Muslim countries today.”¹

I say:

Firstly, restricting the issue of ruling by other than what Allaah has revealed to the situation of a person, or circumstances, is one of the distortions and errors of the *takfeerees*. If not, then what is the *daleel* for this restriction? The basis of this issue is that it is general for all regulations of the Divine Legislation and not only restricted, as Allaah says

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ)

“And whoever does not judge by what Allah has revealed – then it is those who are disbelievers.”

{al-Maa’idah (5): 44}

Meaning: even in one issue that he rejected or declared lawful, then he is a disbeliever who has committed major *kufr*. As for the one who rules by his desires then he is a disbeliever who has committed minor *kufr*, there is no difference between ruling in one issue, or ten issues or a hundred issues or a thousand issues or more! As long as a person still considers himself as having erred. This is the understanding of the *Salaf* of the *ayah* and is what the *’Ulama* follow from the time of Ibn ’Abbaas and his students: Taawoos, Zayn ul-’Aabideen and ’Ataa’. So I do not know where this man (Aboo Baseer) got this restriction from and where the *daleel* is for this claim?? The reality is that there is no *daleel* except mere ideas and desires. The noble Shaykh ’AbdulMuhsin al-’Abbaad was asked:

هل استبدال الشريعة الإسلامية بالقوانين الوضعية كفر في ذاته؟ أم يحتاج إلى الاستحلال القلبي والاعتقاد بجواز ذلك؟

¹ At-Taaghoot, p.83

وهل هناك فرق في الحكم مرة بغير ما أنزل الله، وجعل القوانين تشرع عاماً مع اعتقاد عدم جواز ذلك؟

Is substituting the Sharee'ah with man-made laws kufr in itself or does it have to be with istihlaal of the heart and belief in its permissibility? Is there a difference between ruling one time by other than what Allaah has revealed and making it a general law of legislation along with believing in its impermissibility?

Answer:

"يبدو أنه لا فرق بين الحكم في مسألة، أو عشرة، أو مئة، أو ألف أو أقل أو أكثر - لا فرق؛ ما دام الإنسان يعتبر نفسه أنه مخطيء، وأنه فعل أمراض منكراً، وأنه فعل معصية، وأنه خائف من الذنب، فهذا كفر دون كفر. وأما مع الاستحلال - ولو كان في مسألة واحدة، يستحل فيها الحكم بغير ما أنزل الله، يعتبر نفسه حلالاً - ؛ فإنه يكفر كفراً."

Firstly, there is no difference between ruling in one issue on ten, a hundred, a thousand or anymore or any less – there is no difference at all! As long as a person still considers himself as being mistaken and as having committed an act of disobedient and if he fears sin. This is kufr less than kufr.¹

Secondly, it is not permissible to restrict the verse to a group and not another except with a proof from the Book or *Sunnah*.

Thirdly, there is unto you a clear and sufficient explanation form the *Faqeeh* and *Usoolee* Muhammad bin Saalih al-'Uthaymeen (*raheemahullaah*) in this issue and then compare it with the claims of the people of ideologies and desires.²

¹ From the lessons *Sharh Sunan Abbee Daawood*, dated: 16th Dhu'l-Qa'dah 1420 AH/20 February 2000 CE

² For more on this however refer to the original Arabic. [TN]

HIS USE OF THE STATEMENTS OF THE PEOPLE OF KNOWLEDGE TO DECIEVE THE PEOPLE

Also Aboo Baseer tries to use the statements of Ahl ul-Ilm as proofs (for his arguments) such as: Ibn Katheer, Ibn Taymiyyah, Muhammad ibn Ibrraheem Aal ush-Shaykh, ash-Shinqeetee, 'Abdul'Azeem bin Baaz and others. I mentioned to you before that trying to use their statements as proofs via deception is of no avail to them or their *takfeeree* opinions, and do not forget their distortion, cutting and pasting pf the statements of the scholars and understanding them incorrectly all in order to agree with their own views. Shaykh ul-Islaam Ibn Taymiyyah stated:

"فلا تجد قط مبتداً إلا وهو يحيي كتمان النصوص التي تخالفه ويبغضها،
ويبغض إضهارها وروايتها والتحدث بها، ويبغض من يفعل ذلك، كما قال السلف:
ما ابتدع أحد بدعة إلا نزعت حلاوة الحديث من قلبه".

You will not find an innovator except that he hides the texts which oppose him and he will hate those texts. He will also hate bring these texts up, narrating them, mentioning them and he hates acting by them. Just as the Salaf said: "One does not begin an innovation except that the sweetness of hadeeth is removed from his heart."¹

As what Ibn Katheer stated towards the end of his speech then he stated:

"فمن فعل ذلك [منهم] فهو كافر"

"Whoever from them² does that is a disbeliever".

This means that he was intending the Mongols and those like them who committed *juhood* and *istiblaal* and fell into the *Nawaqid* of al-Islaam. Then Ibn Katheer stated,

"فصارت في بنيه شرعاً متبعة"

"It became among his offspring a legislation that was followed".

¹ *Majmoo' al-Fataawaa*, vol.20, p.161

² However, Aboo Baseer omits these words "...from them (min hum)..." as he and those like him usually do in their *tadlees* and cutting up the texts, see *at-Taaghoot*, p.84

This is proof that they made such laws of *jaabiliyyah* to be lawful and they made it as a *deen* that came from Allaah, the proof for this is that they said that Genghis Khaan was the son of Allaah. Shaykh ul-Islaam Ibn Taymiyyah mentioned the following about the state of the Mongols and their beliefs:

- We witnessed the military people and we saw that the majority of them did not pray and we neither saw among their soldiers any who called the *adbaan* nor an Imaam. They took the wealth of the Muslims and and destroyed their houses to an extent to which only Allaah knows.
- There is not to be found within their state except those who are the worst of creation. Either you'll find a hypocritical heretic who does not believe in the *deen* of Islaam inwardly at all or you'll find a person who is worse than the people of innovation, such as the *Rawaafid*, *Jahmiyyah*, *Ittihadiyyah* and their likes; or you'll find the most immoral and sinful people. These types of people are found within their land which they are established in and they do not perform hajj to the House of Allaah.
- They fight for Genghis Khaan and whoever joins them and makes allegiance to them has to have Genghis Khaan as a *walee* for them, even if the person is a disbeliever. Whoever rejects this they hold as an enemy, even if he is the best of Muslims.
- The greatest of them who first came to Shaam in order to get nearness to the Muslims said that “the two great signs of Allaah are Muhammad and Genghis Khaan.”
- Therefore, their creed in Genghis Khaan was very important to them and they believed that he was the son of Allaah in the same way the Christians believe that 'Eesaa (*alayhis-salaam*) the Messiah is.
- So with this, they hold Genghis Khaan as one of the greatest Messengers of Allaah and to the extent that they say when they gain wealth “this is the provision from Genghis Khaan” and they thank him for their food and drink, and they make lawful killing whoever opposes whatever Genghis Khaan, the accursed disbelieving enemy of Allaah, His Messenger and His believing servants.

- The Mongols wanted to put the accursed Genghis Khaan at the same level as the Prophet Muhammad (*sallallaabhu alayhi wassallam*) and it is well known that even Musaylimah al-Kadhdhab was of less harm to the Muslims than Genghis Khan! As Musaylimah claimed to share Prophethood and the Message with Muhammad (*sallallaabhu alayhi wassallam*) and for this reason the Companions (*radi Allaahu 'anbum*) made it lawful to fight him and his apostate followers. So what about the one who manifests Islaam and then put Muhammad (*sallallaabhu alayhi wassallam*) on the same level as Genghis Khan!?
- As a result, their notables and senior ministers made the *deen* of Islaam the same as the *deen* of the *Yahood* and *Nasaara* and that all of these are paths to Allaah like the four *madhbabs* with the Muslims. Some of them also prefer Judaism or Christianity and some prefer Islaam.

I say: If you know, you will immediately see the ignorance of the one who considers the rule of Yaasiq to be better than man-made laws, Aboo Baseer however stated:

Then contemplate, is there a difference between Yaasiq of Genghis Khan and the effective man-made laws in Muslim lands today and it is possible that Yaasiq from one angle is better because it includes some aspects of Islaam, as opposed to the man-made laws which are found in the West and the desires of men.

I ask Abaa Baseer: under which system of law did you marry when you where in your Muslim country before you lived in the lands of *kufir*? What are the marriage and divorce laws of the people and with which law do people inherit and bequeath? What do you say about the ministries and organizations which give concern to religious affairs, *da'wah* and issuing religious rulings, and the religious and academic foundations which focus on teaching the sciences of the *Sharee'ah*? What has preceded is injustice and transgression and indeed misguidance to compare the condition of the Mongols with the situation of the Muslims today. Al-Haafidh Ibn Katheer stated also in his *tafseer*, vol.2, p.61 of Allaah's saying,

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ)

“And whoever does not judge by what Allaah has revealed – then it is those who are disbelievers.”

{al-Maa'idah (5): 44}

They denied the rule of Allaah intentionally and on purpose and Allaah said here,

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ)

"And whoever does not judge by what Allaah has revealed then it is those who are the wrongdoers."

{al-Maa'idah (5): 45}

Because they did not treat rule justly between the oppressed and the oppressor in matters wherein Allaah instructed justice and equality between all, the opposed, oppressed and transgressed.

As for trying to use Shaykh ul-Islaam Ibn Taymiyyah (*raheemahullaah*) as a proof, then it has been shown that he makes the condition of *istiblaal*. As for what Aboo Baseer transmitted from Shaykh Muhammad ibn Ibrraheem Aal ush-Shaykh then Shaykh 'AbdurRahmaan bin Mu'alaa al-Luwayhiq in his book *Mushkilah al-Ghuloo fi'd-Deen*, vol.3, p.883 clarifies the correct understanding of the six categories which Shaykh Muhammad ibn Ibrraheem mentioned in his treatise *Tabkeem ul-Qawaaneen*. The opinion of Shaykh Muhammad ibn 'AbdulWahhaab (*raheemahullaah*) is the opinion of the illustrious Imaams before him such as Imaam Ibn ul-Qayyim, who said,

"إن الحكم بغير ما أنزل الله يتناول الكفرين الأصغر والأكبر بحسب حال الحاكم؛ فإنه إن اعتقد وجوب الحكم بما أنزل الله في هذه الواقعة وعدل عنه عصياناً مع اعترافه بأنه مستحق للعقوبة فهذا كفر أصغر .

وإن اعتقد أنه غير واجب وأنه مخير فيه مع تيقنه أنه حكم الله فهذا كفر أكبر، وإن جهله وأخطأه فهذا مخطئ له حكم المخطئين".

Ruling by other than what Allaah has revealed leads to two types of kufr: minor and major depending on the condition of the ruler. If he believes in the obligation of ruling by what Allaah has revealed yet does not do it out of disobedience to Allaah, while admitting that he is eligible for punishment, this is minor kufr. If he believes that it is not an obligation to rule by what Allaah has revealed and that he has an option in regards to it while knowing

that it is major kufr but out of ignorance and error, then this is one who is mistaken and has the ruling of those who err.¹

With this detailed explanation from Ibn ul-Qayyim (*raheemahullaah*) in this issue we understand how Shaykh Muhammad Ameen ash-Shinqeetee (*raheemahullaah*) also agreed with the '*aqeedah* of the *Salaf* in this issue. His efforts were clarified in a study of the '*aqeedah* of the *Salaf* and traversing their *manhaj* and following their way.²

Aboo Baseer tries to use as a proof the speech of Imaam Bin Baaz (*raheemahullaah*) about the one who rules by other than what Allaah has revealed and claims that the Imaam considered the mere *leaving* of ruling by what Allaah has revealed as indicating the absolute removal of *eemaan* in the one who does it. Shaykh Bin Baaz however was asked in *Majmoo' al-Fataawaa Ibn Baaz*:

Are the rulers who rule by other than what Allaah has revealed considered kuffaar? If we say that they are Muslims what do we say about Allaah's saying,

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ)

“And whoever does not judge by what Allaah has revealed – then it is those who are disbelievers.”

{al-Maa'idah (5): 44}

Answer:

"الحكام بغير ما أنزل الله أقسام، تختلف أحكامهم بحسب اعتقادهم وأعمالهم ، فمن حكم بغير ما أنزل الله يرى أن ذلك أحسن من شرع الله فهو كافر عند جميع المسلمين ، وهكذا من يحكم القوانين الوضيعة بدلاً من شرع الله ويرى أن ذلك جائز ، ولو قال : إن تحكيم الشريعة أفضل ، فهو كافر ، لكونه استحل ماحرم الله ."

أما من حكم بغير ما أنزل الله ، اتباعاً للهوى أو لرשותه أو لعداوة بينه وبين المحكوم عليه ، أو لأسباب أخرى ، وهو يعلم أنه عاص لله بذلك ، وأن الواجب عليه تحكيم شرع الله ، فهذا يعتبر من أهل المعاصي والكبائر ، ويعتبر قد أتى كفراً أصغر وظلماً أصغر وفسقاً أصغر ، كما جاء هذا

¹ *Madaarij us-Saalikeen*, vol.1, pp.336-337

² *Juhood Shaykh Muhammad Ameen ash-Shanqeetee fee Taqreer 'Aqeedat is-Salaf*, pp.182-83

المعنى عن ابن عباس - رضي الله عنهم - وعن طاووس وجماعة من السلف الصالح ، وهو المعروف عند أهل العلم ، والله ولي التوفيق () .

Those who rule by other than what Allaah has revealed are of different categories and their rulings differ depending on their beliefs and actions. Whoever rules by other than what Allaah has revealed and views that it is better than the Divine Legislation of Allaah is a disbeliever according to most of the Muslims. Likewise, the one who rules by man-made laws is a substitute to the Divine Legislation of Allaah and views that as being permissible and even is he says “The rule of the Divine Legislation is better” he is still a disbeliever as he has made what Allaah has prohibited to be halaal.

As for the one who rules by what Allaah has revealed due to following his desires or due to bribery or enmity between him and the ruled, or due to any other reason yet he knows that he is disobeying Allaah by doing that and knows that it is obligatory to rule by the Divine Legislation of Allaah, then such a person is considered to be from those who have fallen into disobedience and major sin. He is considered to have committed minor kufr, minor dhulm and minor fisq, as has reached us in the meaning of Ibn 'Abbaas (raheemahullaah) and from Taawoos and a group of the Salaf us-Saalihih and this is well known with the people of knowledge and with Allaah is success.

The Shaykh was also asked:

كثير من المسلمين يتسللون في الحكم بغير شريعة الله والبعض يعتقد أن ذلك التساهل لا يؤثر في تمسكه بالإسلام والبعض الآخر يستحل الحكم بغير ما أنزل الله ولا يبالي بما يترتب على ذلك، فما الحق في ذلك؟

Many of the Muslims are lax with regards to ruling by other than the Sharee'ah of Allaah and some believe that this laxity does not affect in holding onto Islaam and some others legalise ruling by other than what Allaah has revealed. What is the truth in this issue?

Answer:

"هذا فيه تفصيل وهو أن يقال: من حكم بغير ما أنزل الله وهو يعلم أنه يجب عليه الحكم بما أنزل الله وأنه خالف الشرع ولكن استباح هذا الأمر ورأى أنه لا حرج عليه في ذلك وأنه يجوز له أن

يُحکم بغير شریعة الله فهو کافر کفراً أکبر عند جميع العلماء، كالحکم بالقوانين الوضعیة التي وضعها الرجال من النصاری او اليهود او غيرهم ممن زعم أنه یجوز الحکم بها، او زعم أنها أفضليـة من حکم الله، او زعم أنها تساوی حکم الله وأن الإنسان مخير إن شاء حکم بالقرآن والسنـة وإن شاء حکم بالقوانين الوضعیة، من اعتقاد هذا کفر بإجماع العلماء كما تقدم.

أما من حکم بغير ما أنزل الله لهـوى أو لحظ عاجـل وهو یعلم أنه عاصـل لله ولرسولـه وأنه فعل منکراً عظـيمـاً وأن الواجب عليه الحکم بـشرع الله فإـنه لا یکفر بذلك الكفر الأکـبر لكنه قد أتـى منکراً عظـيمـاً وـمعصـيـة كبيرة وـکفـراً أصـغرـاً، كما قال ذلك ابن عباس وـمجـاهـدـ وـغيرـهـماـ منـ أـهـلـ الـعـلـمـ، وقد ارتكـبـ بذلك کـفـراً دونـ ظـلـمـ، وـفـسـقاًـ دونـ فـسـقـ، وـلـيـسـ هوـ الـکـفـرـ الأـکـبـرـ، وـهـذـاـ قولـ أـهـلـ السـنـةـ وـالـجـمـاعـةـ".

This needs some explanation and it can be said: whoever rules by other than what Allaah has revealed while knowing that is it obligatory to rule by what Allaah has revealed and he opposes the Sharee'ah however he permits it and views that there is no problem in that and that it is permissible to rule by other than the Sharee'ah of Allaah. Such a person is a disbeliever who has committed major kufr according to most of the scholars. This is like ruling by man-made laws which have been put in place by Christian, Jewish and other (non-Muslim) men who claim that it is permissible to rule by such laws. Or a person claims that it is better than the rule of Allaah, or claims that it is the same as the rule of Allaah and that people have a choice to either rule by the Qur'aan and Sunnah if he wishes, or rule by man-made laws if he wishes - the whoever believes in this way has disbelieved according to the consensus of the scholars as has preceded. As for the one who rules by other than what Allaah has revealed out of desire or and emergency and knows that he is disobedient to Allaah and His Messenger and that doing it (ruling by other than what Allaah has revealed) is a major evil, and believes that it is obligatory to rule by the Sharee'ah of Allaah, then such a person is not made takfeer of for committing major kufr but he has done a major evil sin and committed minor kufr about which Ibn 'Abbaas spoke of along with Mujaahid and others form the people of knowledge. Such a person has committed kufr less than kufr, dhulm less than dhulm and fisq less than fisq and not major kufr – this is what Ahl us-Sunnah wa'l-Jama'ah say.

So where are you from the likes of these *fataawaa* and others O Abaa Baseer?! You did not mention these for your beloved readers? Or are you merely following that which is unspecific seeking discord and seeking its interpretation? We seek refuge in Allaah from such detriments. Where are you in comparison to the saying of the Shaykh when he was asked about changing laws and if the one who does it is considered a disbeliever who is expelled from the religion? Imaam Bin Baaz (*raheemahullaah*) answered to a question that was put to him by saying:

إذا استباحها يعتبر كفراً أكبر، أما إذا فعل ذلك لأسباب خاصة، من أجل رشوة، أو من أجل إرضاء أشخاص، ويعلم أنها محرمة فإنه يكفر دون كفر، أما إذا فعلها مستبيحاً يكون كفراً أكبر، أي إذا استحل الحكم بقانون بغير الشريعة فإنه يكون كفراً.
أما إذا فعلها لأسباب مثل الرشوة، أو العداوة، أو من أجل إرضاء بعض الناس، وما أشبه ذلك، فإن ذلك يكون كفراً دون كفر، وهذا الحكم يشمل جميع الصور، وسواء التبديل وغير التبديل،
ويجب على ولي الأمر أن يمنع ذلك وأن يحكم بشرع الله".

If he permitted it then he is considered a disbeliever who has committed major kufr, as for if he does it for a particular reason, or due to following his desire or due to bribes, or to please people yet knows that it is haraam then he has disbelieved and committed kufr less than kufr, meaning if he makes it lawful to rule by a law other than what Allaah has revealed – such a person is a disbeliever. As for if he does it due to reasons such as bribery, enmity or to please some people and the likes, then such a person has fallen into kufr less than kufr and this ruling includes all facets whether it be tabdeel (substituting) or not and those in authority have to prevent themselves from that and they must rule by the Divine Legislation of Allaah.

This is also the same explanation of the *Muhaddith* of the era Muhammad Naasiruddeen al-Albaanee (*raheemahullaah*), as for those who accuse him with no shame of having *Irjaa'* then this is nothing but a false claim. Imaam Bin Baaz agreed with Imaam Muhammad Naasiruddeen al-Albaanee as is found in his notes to the words of Imaam al-Albaanee as was distributed in the Saudi magazine *ad-Da'wah*, no.1511, Jumadaa al-Awwal, 1416 AH. Imaam Muhammad bin Saalih al-'Uthaymeen, the scholar of *Usool*, also affirmed the statements of the two noble scholars in one of his lessons, it is as follows:

The kufr is for the one who makes it halaal, as for the one who rules by it (other than what Allaah has revealed) and contradicts out of disobedience, then this person is not a disbeliever because he has not made it halaal and he could have done it out of fear, inability or the likes. Based on this the three verses (of al-Maa'idah) are applied in three instances:

1. Whoever rules by other than what Allaah has revealed via changing the deen of Allaah – this is major kufr which expels one out of the religion, because he has made himself a legislator with Allaah and because he hates Allaah's Sharee'ah.
2. Whoever rules (by other than what Allaah has revealed) due to following his desires in himself, or out of fear or the likes – this person has not disbelieved but has fallen into fisq.
3. Whoever rules with transgression and oppression and this is not related to the ruling of man-made laws but related to a specific ruling like ruling the people by other than what Allaah has revealed to avenge himself then it is said that this type is a dhaalim and the descriptions differ depending on the conditions. Some scholars say that the descriptions for one description and that every kaafir is a dhaalim and every kaafir is a faasiq, they use as evidence for this the saying of Allaah,

وَالْكَافِرُونَ هُمُ الظَّالِمُونَ

“...and the disbelievers they are the wrong-doers”

{al-Baqarah (2): 254}

And,

وَأَمَّا الَّذِينَ فَسَقُوا فَمَأْوَاهُمُ النَّارُ

“But as for those who defiantly disobeyed, their refuge is the Fire.”

{as-Sajdah (32): 20}

This is major fisq.¹

May Allaah have mercy on him and reward him with and elevate him in Paradise to the highest levels.

Aboo Baseer however says,

“From what has preceded, the following matters have been clarified:

¹ *Tahdheer min Fitnat it-Takfeer*, pp.103-04

1. The verses were revealed about the kuffaar from the people of the book and applied to other who reject the rule of Allaah.
2. The verses intend when applied: major kufr, major fisq and major dhulm because they were revealed about the people of the book and whoever rejects the rule of Allaah. It is not like how the scholars of Irja' regard the verses as referring to kufr less than kufr, dhulm less than dhulm and fisq less than fisq, based on the statements of Ibn 'Abbaas!! It is a true statement but they intend a false conclusion and to place the truth in an improper place is false, and applying it in a way which is not possible.”¹

FALSE PRINCIPLES AND DANGEROUS RISKS

Aboo Baseer says,

”عند حمل الآيات على المسلمين، ينظر لحالهم: إن كانوا من يرفضون حكم الله، ويحاربون دعاء الحكم إلى الله، ويسرعون التشريع الذي يضاهي شرع الله، وقد بدلوا حكم الله بحكم الطاغوت؛ فهو لا ينطبق عليهم الكفر الأكبر والظلم الأكبر والفسق الأكبر المخرج من الملة، وإن لم يصرحوا بلسانهم أنهم يجحدون حكم الله، لأن لسان الحال أقوى من لسان المقال، وهو شاهد عليهم بالكفر، أما إن كانوا من يحكمون بما أنزل الله ، وتظهر منهم القراءن اللفظية والفعالية الدالة على حبهم لحكم الله ورضاهم به وحرصهم عليه، وأنهم يسعون جهد طاقتهم لتطبيقه، ثم هم في مسألة أو بعض المسائل يحكمون فيها بغير ما أنزل الله لهوى أو ضعف أو شهوة أو تأويل باطل، مع اعترافهم بالقصیر وشعورهم بالإثم، فمثل هؤلاء يحمل عليهم قول ابن عباس: كفر دون كفر وظلم دون ظلم”^ا

”In applying the verses to the Muslims we can see their condition: if they are from those who reject the rule of Allaah; fight against those who call to rule by Allaah; legislate that which they claim is equal to the Divine Legislation of Allaah, and substitute the rule of Allaah with the rule of tawaagheet – then these will have major kufr, major dhulm and major fisq applied to them which ejects them from the religion – even if they do not openly with their tongues reject the rule of Allaah, because the actual state carries more weight

¹ At-Taaghoot, pp.98-99

than the statement which is spoken, as kufr has been witnessed from them. As for those who are from the ones who judge by what Allaah has revealed and verbal and physical attestations have been manifested which indicate their love of the rule of Allaah, their pleasure with it and their concern for it and they strive hard with all their energy to implement it and then after all this they rule according to other than what Allaah has revealed in some issues out of desire, weakness, passions or erroneous interpretations, along with their admittance of shortcomings and sinful feelings – then the likes of these will have applied to them the statement of Ibn 'Abbaas: "Kufr less than kufr and dhulm less than dhulm."¹

I say: Aboo Baseer establishes a principle and foundation which Allaah has not revealed any authority for and is not known from the *Salaf*. Rather, this is provocative speech of agitation which does not indicate an academic methodology at all and if it indicates anything it shows his haste in speaking without knowledge.

Shaykh Muhammad Rasheed Ridaa (*raheemahullaah*) states in *Tafseer al-Manaar*, vol.6, pp. 405-06:

Many of the Muslims tried to come up with legislative systems and rule similar to those invented by people before them. By their ruling with that, they left behind some of what Allaah revealed to them. Those who leave the judgements that Allaah revealed in His Boo, without doing so out of interpretation, believing that this is correct, then what Allaah said in these three Aayaat is true about them, or at least some of them, each based upon his circumstances:

So the one who relinquishes the judgment for theft, slander, fornication, without, without any sense of remorse occurring in him for doing so, believing that other than those judgments is better, then the news about him is clear – he is a disbeliever, period. Whoever does not judge by this, with other excuses, then he is a wrong-doer, as long as he has only missed the truth and neglected justice and equality in that matter, otherwise he is disobedient. And we say many of the Muslims who believe that people who have ruling systems based upon man-made law are disbelievers, taking the apparentness of the saying of Allaah,

(وَمَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ)

¹ *At-Taaghoot*, p.99

"And whoever does not judge by what Allah has revealed – then it is those who are disbelievers."

{al-Maa'idah (5): 44}

Causing them to make takfeer on the judge who judges by these laws, and takfeer of the leaders and sultans who institute these systems. Since, even though they are not aware of them all, they have given them their approval, and they are the ones who put the judges in their posts...as for the apparentness of the aayaah, then this has not been said by any of the Imaams of fiqh that are well-known, rather not by any one, period.¹

HIS SICK UNDERSTANDING OF THE SAYING OF IBN 'ABBAAS ('KUFR LESS THAN KUFR')

Aboo Baseer says:

"إذا كان ابن عباس يقول: "إن الآيات نزلت في كفار أهل الكتاب، وأن من جحد حكم الله فهو كافر" ، إذاً من يقصد بقوله: كفر دون كفر، وإنه ليس بالكافر الذي ينقل من الملة؟ فإن من تمام فقهه" مدلولات القول" إدراك زمانه، والظروف المحيطة به والأسباب التي دعت إليه، وأن عباس رضي الله عنه كان يقصد حكامًا مسلمين معاصرين له وهم حكام بني أمية، الذين لم تظهر منهم القرائن الدالة على جحودهم لحكم الله أو الاستهانة به، وكانوا يحكمون الشريعة في عموم حياة الناس، والانحراف الذي طرأ في الحكم في عهد الأمويين - وعنه سئل ابن عباس وهو المعنى من كلامه - وقد أشار إليه النبي صلى الله عليه وسلم بقوله: "أول ما يفقد من الدين الحكم" وقال: "أول من يغير سنته رجل من بني أمية" أي يغير سنته في اختيار الخليفة إلى نظام وراثي، ومع ذلك لا يشك في إسلام معاوية وأولاده، ولا أحد قال بکفرهم.

¹ Translation from Khaalid bin Muhammad al-'Anbari, *Ruling by Other than what Allah Revealed: The Fundamentals of Takfir*, trans. Zayd Adib Ansari and Aboo Khaliyl (Detroit, USA: QSS, 1999), pp.96-7

و عليه فمن الخطأ الظاهر حمل كلام ابن عباس - كفر دون كفر - الذي كان يقصد به حكام بنى أمية على حكام في هذا العصر استحلوا الحكم بغير ما أنزل الله بالقول والفعل، واجتمعت فيهم جميع نواضق الإيمان".

"If Ibn 'Abbaas stated: 'The verses were revealed regarding the kuffaar of the Ahl ul-Kitaab' and that 'whoever rejects the rule of Allaah is a disbeliever' therefore who does he intend with this saying: 'kufr less than kufr' and that 'it is not the kufr which expels from the religion'? From the perfection of fiqh is 'indications from statements' which understand the time he was living in, and the circumstances and reasons which affected him. As a result, this shows that Ibn 'Abbaas intended the Muslim rulers of his time, the Bani Umayyah who did not manifest rejection of the rule of Allaah or mock it. They ruled by the Divine Legislation generally in people's affairs and the deviation which emerged during Umayyad rule was what Ibn 'Abbaas was asked about and this is the meaning of his saying. The Prophet indicated this to Ibn 'Abbaas with his saying "The first to lose the rule of the deen." And he said "The first to change any Sunnah are men from the Bani Umayyah" meaning: changing his Sunnah in choosing a Khaleefah to a hereditary system (succession). With this there is no doubt of the Islaam of Mu'awiyah and his descendants and no one made takfeer of them. From the most apparent errors is to apply the statement of Ibn 'Abbaas, of 'kufr less than kufr', wherein he intended the Umayyad leaders, to the leaders of the current era who make it halaal to rule by other than what Allaah has revealed by statements and actions and thus combine within themselves all of the nullifiers of eemaan."

Then Aboo Baseer transmitted in the footnotes the words of Muhammad Qutb saying:

"قال الشيخ قطب في كتابه "واقعنا المعاصر" 334: مظلوم ابن عباس فقد قال ما قال وهو يسأل عن الأمويين، أنهم يحكمون بغير ما أنزل الله، فما القول فيهم؟ وما من أحد على الإطلاق قال عن الأمويين إنهم كفار فقد كانوا يحكمون الشريعة في عموم حياة الناس، ولكنهم يحيدون عنها في بعض الأمور المتعلقة بسلطانهم إما تأولاً وإما شهوة - ولكنهم لا يجعلون مخالفتهم شرعاً ماضاً هائلاً لشرع الله - فقال فيهم ابن عباس : إنه كفر دون كفر، فهل كان يمكن لابن عباس أن يقول هذا فيما ينحى الشريعة الإسلامية أصلاً، ويضع بدلاً منها قوانين وضعية؟!"

“Shaykh Qutb said in his book ‘Our Current Situation’, p.334:

Ibn ’Abbaas was oppressed and thus said what he did and he was asked about the Umayyads. They ruled by other than what Allaah had revealed, so what is the position on them? No one at all said that the Umayyads were kuffaar and they ruled by other than what Allaah had revealed in the affairs of the people however they restricted it in some matters related to their governance due to false interpretations or desires. However, they made their contradictions as legislations to match the Divine Legislation of Allaah. Ibn ’Abbaas said about them: “Kufr less than kufr”, so it is possible that Ibn ’Abbaas said this about those who totally negate the Islamic Sharee’ah and put in place man-made laws as a substitute (to the Sharee’ah).”¹!

I say: Restricting the statement of Ibn ’Abbaas to only legislation, has no *daleel* and has to be rejected. I do not know of any of the *Salaf* who applied the speech of Ibn ’Abbaas to only the rulers of Bani Umayyah. Also, was Ibn ’Abbaas unable to make clear what he intended about the Bani Umayyah? How could his “intended meanings” be unknown for 1400 years from the *Taabi’oon* and those after them up to today when Aboo Baseer and his Shaykh Muhammad Qutb came along and applied their restricted *takfeeree* view of it!!?

Rather, the scholars of Islaam and its notables past and present have attested to the narration of Ibn ’Abbaas with the explanation that we have given, this narration became an academic principle for them to refute the people of innovation. They also use the narration as a principle of knowledge in the issue of disobedience which is described as *kufr* but not absolute *kufr*. Their speech in regards to this has preceded such as ruling by other than what Allaah has revealed with *juhood* (rejection) and *istiblaal* (legalising) is disobedience and a major sin. Their basis is the narration of Ibn ’Abbaas in the *tafseer* of the verse of *al-Maa’idah*. From Taawoos who said:

عَنْ طَاوُوسِ قَالَ: قَلْتُ لِابْنِ عَبَّاسٍ: مَنْ لَمْ يَحْكُمْ بِمَا أَنْزَلَ اللَّهُ فَهُوَ كَافِرٌ؟ قَالَ: هُوَ بِهِ كُفَّارٌ، وَلَيْسَ كَمَنْ كُفَّارُ بِاللَّهِ وَمَلَائِكَتِهِ وَكِتَابِهِ وَرَسُلِهِ وَالْيَوْمِ الْآخِرِ

I said to Ibn ’Abbaas: ‘Whoever does not rule by what Allaah has revealed, is he a disbeliever?’ Ibn ’Abbaas replied: ‘Within him is *kufr*, but he is not like the one who disbelieves in Allaah, the Angels, the Books, the Messengers and the Last Day.’

¹ *At-Taaghoot*, pp.98-101

We have already mentioned the speech of the people of knowledge so we will not repeat it again, the clarification is complete and needs nothing to be added to it.¹ Shaykh Saleem al-Hilaalee stated:

I add to this here an important matter which is they intend to prove that the kings of the Bani Umayyah and Bani 'Abbaas did not rule with a Khilaafah which was on the Prophetic manhaj and it was like this except that the system of rule with the Bani Umayah and Banu'l-'Abbaas ruled by what Allaah had revealed but they mixed in disobedience which some of them fell into, or they contradicted the rule of Allaah due to following desires. The likes of these are not to be said to be ruling by other than what Allaah has revealed for the following reasons:

1. The disobedient one, or the one who commits a major sin, is not to be called 'a ruler by other than what Allaah has revealed' rather he has committed something which Allaah has prohibited. The one who rules by other than what Allaah has revealed has his own legislation other than what Allaah has revealed by which he rules and refers to. As for the disobedient one then he has nothing external which he has come with to rule by and refer to that is outside of the Divine Legislation of Allaah. Rather he contradicted what Allaah revealed.
2. The one who rules by other than what Allaah has revealed, if he is ignorant then he is not considered to be ruling by other than what Allaah has revealed. Rather, the rule of Allaah is hidden from him and he thinks that his rule is in agreement with what Allaah has revealed.
3. Those Caliphs of the Umayyads and the Abbasids who opposed the rule of Allaah were either: ignorant of the rule of Allaah; fell into making false interpretations; followed their desires or was confused and deceived by his ministers and if the people of knowledge showed him (the proofs) he would retract and seek to return to the truth. It is said that al-Ma'moon had Shi'ism and allowed Mut'a, but then Yahyaa Ibn Aktham entered upon Ma'moon and informed him of the hadeeth wherein Mut'a was prohibited. When al-Ma'moon came to know of the authenticity of the hadeeth he retracted from it to the truth and openly prohibited Mut'a (adh-Dhahabee, *Siyar A'laam un-Nubala*, vol.10, p.283).
4. This understanding is the understanding of the Khawaarij and not the understanding of the Salaf us-Saalihih.²

¹ Reported by al-Marwazee, vol.2, p.521; Ibn Jareer, vol.10, pp.355-56; Ibn Battah, vol.2, p.735 via Sufyaan from Sa'eed al-Malikee.

² Saleem bin 'Eeid al-Hilaalee, *Qurrat ul-'Uyoon*, p.188

Imaam al-Bukhaaree has the chapter in his *Saheeh* 'Chapter: Kufr Towards Spouses and Kufr Less than Kufr'. Al-Haafidh Ibn Hajar in *al-Fath*, vol.1, p.83 transmits from al-Qaadee Ibn al-'Arabee al-Maalikee who said:

"مراد المصنف [البخاري] أن يبين أن الطاعات كما تسمى إيماناً كذلك المعاصي تسمى كفراً"

لـكن حيث يطلق عليها الكفر: لا يراد الكفر المخرج من الملة" اهـ.

The intent of the classifier (i.e. Imaam al-Bukhaaree) is to clarify that just as actions of obedience are named 'eemaan' likewise acts of disobedience are named 'kufr'. However, when they are referred to as being 'kufr' the intent is not the kufr which expels one from the religion.

FROM ABOO BASEER'S CONTRADICTIONS:

Aboo Baseer states:

"وما يدخل كذلك في هذا النوع من الطاغوت، الكتب التي تروج الكفر وتدعو له، وبخاصة منها تلك الكتب التي تحتوي على مبادئ ومناهج الأحزاب العلمانية الكافرة وغيرها".

“What is likewise included in this type of taaghoot are books which call to kufr. Especially those books which contain the foundations and methods of disbelieving secular partisanship and the likes.”

In the footnotes Aboo Baseer adds to this statement:

وَهَذَا يَسْتَدِعِي مِنَ الْقَائِمِينَ عَلَى دور النَّشْرِ - وَبِخَاصَّةِ الَّتِي تُسَمَّى نَفْسَهَا إِسْلَامِيَّةً
الامتناع عن نشر كتب تحتوي على الكفر والشرك والضلالات فإن الدال على
الشر كفاعله"

“So with this, the owners of distributing companies should be prepared, especially those distributors which are called ‘Islamic’, to withhold distributing such books which contain kufr, shirk and misguidance which lead to evil like the one who does it.”

I say: This ‘advice’ is full of lies, tricks and deception and the first who should be advised of this is you (O Abaa Baseer)?! For the books of Sayyid Qutb which you base your booklets on are the first to fall into what you (Aboo Baseer) have mentioned! For the books (of Sayyid Qutb) are full of innovation and misguidance, just as you mentioned, here are some of them:

1. Evil manners in talking about a Prophet of Allaah, Moosaa (*alayhi salaam*), describing him as being excitable and emotional.¹
2. Speaking about Yoosuf (*‘alayhi salaam*)² as being almost weakened.
3. A lack of differentiating between *Tawheed Ruboobiyyah* and *Tawheed Uloohiyyah*. Indeed, he explained ‘La ilaha il-Allaah’ as being *Tawheed Ruboobiyyah* and explained Allaah’s saying “He is Allaah, there is no deity except He” as: “Meaning: He has no partner in creation and choosing”.³
4. *Wahdat ul-Wujood*.⁴
5. Making *takfeer* of all Muslims.⁵
6. Saying that the Qur'aan is created.⁶

¹ *At-Tasweer al-Fannee fil-Qur'aan* (Daar ush-Shurooq), pp.162-64

² *Ibid.*, p.168; *Fee Dhilaal il-Qur'aan*, vol.12, p.1954

³ *Fee Dhilaal il-Qur'aan* (Daar ush-Shurooq), vol.5, p.2707

⁴ *Ibid.*, vol.6, p.3479

⁵ *Ibid.*, vol.2, p.1057 and vol.4, p.2122

⁶ *Ibid.*, vol.1, p.106

7. Denying the Attributes of Allaah in exactly the same way as the *Jahmiyyah*, he explained *istiwa* as being '*isti'laa*'.¹
8. Allowing man-made legislations.²
9. Abusing and cursing the *Sahaabah* and the successors and claimed that 'Uthmaan (*radi Allaahu 'anhu*) gave special treatment to his own family.³

And other deviations which the books of this man are filled with such as statements supporting that there is no-free-will, incarnation, the finite nature of the soul, denying that Allaah will be seen and other major innovations that his books repeat. So if you (Aboo Baseer!) are really advising for the sake of Allaah and His Messenger, then the first thing you would do is warn against the books of Sayyid Qutb and those like him from the *takfeerees*, because by Allaah, they are the first to curse the *Salafees* such as Imaam Muhammad Naasiruddeen al-Albaanee (*raheemahullaah*). However, Aboo Baseer testifies that his own books are nurtured upon the *takfeer* in the books of Sayyid Qutb, so how can he warn against Sayyid Qutb?! The Messenger of Allaah (*sallallaahu 'alayhi wassallam*) spoke the truth when he said "*There is about to come to the people years of deception wherein the liar will be regarded as truthful and the truthful will be regarded as liars and the deceiver will be trusted and the trustworthy will be thought of as a deceiver and the Ruwaybidah will begin to speak.*" Then it was asked: "And what are the Ruwaybidah?" He (*sallallaahu alayhi wassallam*) said "*The foolish insignificant man who speaks about general affairs.*"⁴

Aboo Shaamah said:

Most of the innovations that people commit are due to this reason, they think that a person is from the people of knowledge and *taqwaa* and yet in reality he is not like that at all. They praise their sayings and actions and follow the individual and thus their affairs become corrupted. In the hadeeth of Thawbaan the Prophet

¹ Ibid., vol.4, p.2374

² *Al-'Adaalah al-Ijtima'iyyah* [Social Justice], p.261 and *Fee Dhilaal il-Qur'aan*, vol.3, p.1669

³ *Al-'Adaalah al-Ijtima'iyyah* (Daar ush-Shurooq, 1415 AH, 5th Edition), pp.161, 186, 193, 206

⁴ Narrated by Ibn Maajah and authenticated by al-Albaanee in *as-Saheehah*, no.1888

(*sallallaahu'alayhi wassallam*) said “*What I fear for my Ummah is the leaders of misguidance.*”¹

THE PRINCIPLE OF KHUROOJ (REVOLT) ACCORDING TO ABOO BASEER

Aboo Baseer says,

”**فالخروج على الحاكم فتنه، ولكن الأشد منه فتنه وضررًا السكوت عليه والرضى به وهو يعلن الكفر البوح، فالشرك ظلم لا يعلوه ظلم وفتنة لا تعلوه فتنه، والواجب في هذه الحالة وأمثالها: أن يقدم الأقل ضررًا ليدفع به الأشد ضررًا، والله المستعان**”

“**Rebelling against the leader is a fitna, however what is an even worse fitna and more harmful is being quiet about such a leader and being pleased with him when he promotes explicit kufr. So shirk of dhulm does not cover up dhulm and fitna does not cover up fitna, so it is obligatory in this circumstance and in similar circumstances to put forward the lesser harm to avert the worse harm.**”

I say: This type of speech originates from ideas and emotions, not from guidance and revelation, and it opposes the *manhaj* of the *Salaf* and those virtuous scholars who followed their way. He based this on emotions, enthusiasm and emotion and its end results are nothing but destruction and the loss of security and safety, the falseness of this is from a number of angles:

1. It is well known that Aboo Baseer, and his school of thought, have special principles for *takfeer* and expelling people, rules and ruled, from the fold of Islaam. These principles are not known except by the first and last of the Khawaarij, as explicit *kufr* according to them is not explicit *kufr* according to *Ahl us-Sunnah*.

For arguments sake, just because a person is living under the rule of law of a disbeliever, that does not necessitate the person being pleased with that *kufr*. This

¹ Narrated by Ibn Maajah and at-Tirmidhee and authenticated by al-Albaanee in *as-Saheehah*, no.1582.

would make Aboo Baseer a disbeliever choosing to make *bijra*, without necessity, to the lands of *kufr*.

3. The issue of estimating the intense necessity or the lack of necessity is to be determined by the *'Ulama* as they are able to judge that and view the benefits. As for the *juhaal* and pseudo-scholars then it is not permissible for them to delve into such major issues which are based on blood-shed and taking wealth and honour. Shaykh ul-Islaam Ibn Taymiyyah stated:

قال شيخ الإسلام ابن تيمية رحمه الله: "إِنَّ اللَّهَ تَعَالَى قَدْ بَعَثَ رَسُولَهُ
بِتَحْصِيلِ الْمَصَالِحِ وَتَكْمِيلِهَا، وَتَعْطِيلِ الْمَفَاسِدِ وَتَقْلِيلِهَا، وَدَفْعِ أَعْظَمِ
الْفَاسِدِينَ بِالْتَّزَامِ أَدْنَاهُمَا، وَإِذَا كَانَ الْأَمْرُ بِالْمَعْرُوفِ وَنَهْيُ عَنِ الْمُنْكَرِ
مِنْ أَعْظَمِ الْوَاجِبَاتِ وَالْمُسْتَحِبَاتِ، فَلَا بُدَّ أَنْ تَكُونَ الْمَصْلَحةُ فِيهِ رَاجِحةٌ
عَلَى الْمُفْسَدَةِ، فَحِيثُ كَانَتْ مُفْسَدَةُ الْأَمْرِ وَنَهْيُ أَعْظَمُ مِنْ مَصْلَحَتِهِ لَمْ
يَكُنْ مَا أَمْرَ اللَّهُ بِهِ".

Allaah sent the Messenger to achieve benefits and perfect them, and to nullify corruptions and reduce them, and to avert the greater of the 2 corruptions via adhering to the lesser of them. Therefore, commanding the good and forbidding the evil is from the greatest obligations and recommended actions, there must be a benefit to counter harm, and where the harm and forbiddance is greater then the benefit, it is not something which Allaah instructs to do.¹

4. If it is affirmed that a ruler has committed *kufr* then revolting against him is not permissible except when the people in authority and ability have the ability in numbers and preparedness to do this. This is not common especially during these days because the power and strength is in the hand of the ruler and revolting

¹ *Minhaaj us-Sunnah*, vol.4, p.527 and *Majmoo' al-Fataawaa*, vol.28, p.126

against him will result in corruption, instability, the loss of safety and security and blood-shed. Yet the *Sharee'ah* came to achieve benefits and perfect them and to minimize corruption and disruption.

Ibn ul-Qaasim (*rabeemahullaah*) said:

سمعت مالكاً يقول: " إن أقواماً ابتغوا العبادة وأضاعوا العلم، فخرجو على أمة

بأسيافهم، ولو اتبعوا العلم لحجزهم عن ذلك" محمد

I heard Maalik saying 'A People wanted to increase in worship and left seeking knowledge and fought against the Ummah of Muhammad with their swords, but if only they followed correct knowledge it would have saved them from that.'¹

Shaykh ul-Islaam Ibn Taymiyyah stated:

وكان أفضل المسلمين ينهون عن الخروج والقتال في الفتنة، كما كان عبد الله بن عمر وسعيد بن المسيب وعلي بن الحسين وغيرهم ينهون عام الحرة عن الخروج على يزيد، وكما كان الحسن البصري والمجاهد وغيرهما ينهون عن الخروج في فتنة ابن الأشعث، ولهذا استقر أمر السنة على ترك القتال في الفتنة للأحاديث، وصاروا يذكرون هذا في غيابهم، ويأمرون عالصحيحة الثابتة عن النبي بالصبر على جور الأئمة وترك القتال، وإن كان قد قاتل في الفتنة خلق كثير من أهل العلم والدين" (منهاج السنة 4/ 529-530).

The best of the Muslims forbade revolting (khurooj) and fighting (qitaal) during times of fitna, as 'Abdullaah ibn 'Umar, Sa'eed ibn Musayyib and 'Ali bin al-Husayn and others forbade revolting against Yazeed during the year of al-Harrah and just as Hasan al-Basree, Mujaahid and others forbade revolting during the fitna of Ibn 'Ash'ath, for this reason it became established as an instruction of the Sunnah to abandon fighting during tribulation due to the authentic hadeeth from the Prophet (sallalaahu 'alayhi wassallam) and they began to mention this in their creeds and they instructed (the Muslims) to have patience with the transgression of the leaders and to abandon fighting

¹ *Miftaah Daar is-Sa'adah*, vol.1, p.119

against them even if many people of knowledge and deen participate in fighting during fitna.¹

From Sulaymaan bin 'Ali ar-Rabi'ee who said:

During the fitna of Ibn 'Ash'ath when Hajjaaj ibn Yoosuf was fought against, 'Uqbah bin 'AbdulGhaffaar, Abu'l-Jowzaa' and 'Abdullaah bin Ghaalib went to see al-Hasan al-Basree with their ideas and they said to him: 'O Abaa Sa'eed! What do you say about fighting a transgressor who sheds sanctified blood, takes sanctified wealth, abandons the prayer etc?' al-Hasan replied 'I view that he should not be fought against, because he is nothing but a punishment from Allaah and you're not able to avert the punishment of Allaah with your swords, even if it is a calamity. So be patient until Allaah judges and He is the Best of Judges.'

Sulaymaan continued:

"So they left Hasan saying 'Should we listen to this old man?' and these were Arabs?!" Then Sulaymaan stated: "They revolted along with Ibn 'Ash'ath and Hajjaaj killed all of them."² Shaykh ul-Islaam Ibn Taymiyyah (*raheemahullaah*) stated:

"لَا يَكُاد يَعْرِف طائفةٌ خَرَجَتْ عَلَى ذِي سُلْطَانٍ إِلَّا وَكَانَ فِي خَرْوْجِهَا مِنَ الْفَسَادِ مَا
هُوَ أَعْظَمُ مِنَ الْفَسَادِ الَّذِي أَزَّتِ الْهُنْدَ"

It is almost unheard of that a group revolted against the leader except that their revolt contained corruption which was worse than the corruption that they tried to remove in the first place.

Then Ibn Taymiyyah said:

"وَأَمَّا أَهْلُ الْحَرَةِ وَابْنُ الْأَشْعَثِ وَابْنِ الْمَهْلَبِ وَغَيْرِهِمْ فَهُزُمُوا وَهُزِمُوا أَصْحَابُهُمْ، فَلَا
أَقَامُوا دِيْنًا وَلَا أَبْقَوْا دُنْيَا، وَاللَّهُ تَعَالَى يَأْمُرُنَا بِأَمْرٍ لَا يَحْصُلُ بِهِ صَلَاحُ الدِّينِ وَلَا
صَلَاحُ الدُّنْيَا، وَإِنْ كَانَ فَاعِلُ ذَلِكَ مِنْ أُولَيَاءِ اللَّهِ الْمُتَقِنِينَ فَلَيُسُوءُوا أَفْضَلُ مِنْ عَلَيْهِمْ
وَعَائِشَةَ وَطَلْحَةَ وَالزَّبِيرَ وَغَيْرِهِمْ، وَمَعَ هَذَا لَمْ يَحْمُدُوا مَا فَعَلُوا مِنَ الْقَتْلَ" (

). (528/4) منهاج السنة

As for the people of Harraah, and Ibn ul-'Ash'ath and ibn ul-Muhallaab, who also revolted, then they were defeated along with their companions and they did not establish anything in the deen and nothing remained for them in the

¹ *Minhaaj us-Sunnah*, vol.4, p.529-30

² *Tabaqaat ul-Kubraa*, vol.7, p.164

dunya.¹ By Allaah they did not instruct to anything which rectified the deen or the dunya² even if the one who done that (revolted against the leader) was from the people who Allaah protects or from those who have been promised Paradise, they are not better than Ali, Aa'ishah, Talhah or Zubayr and others (radi Allaahu 'anhum). For this reason, even though they were companions they were not praised for what they done of fighting. (Shaykh ul-Islaam Ibn Taymiyyah, *Minhaaj us-Sunnah*, vol.4, p.528)³

Imaam Bin Baaz was asked:

سماحة الشيخ هناك من يرى أن اقتراح الحاكم لمعاصي والكبائر موجب للخروج عليهم، ومحاولة التغيير وإن ترتب عليه ضرر المسلمين في البلد، والأحداث التي يعاني منها عالمنا الإسلامي كثيرة، فما رأي فضيلتكم في هذا؟

“Question: O Respected Shaykh there are those who view that the practice of disobedience and major sins by some of the rulers necessitates revolting against them and try to change them even if will cause some harm to the Muslims of the country and the incidents of this in the Islamic world are plentiful. What is your view on this?”

Imaam Bin Baaz answered:

'Ubaadah ibn as-Saamit (radi Allaahu 'anhu) said: "We pledged allegiance to the Messenger of Allaah that we hear and obey and in what we love and what we hate and in what is hard for us and what is not hard for us and even in things which we do not like and not that we should not dispute over leadership and not try to challenge those who possess it and are responsible for its affairs and try to wrestle it

¹ If they wanted the *deen*, then they did not establish it and if they wanted the worldly life then they also did not achieve it. We can thus also add to this list began by Shaykh ul-Islaam, the likes of: Bin Laadin, Aboo Hamza al-Missee, Aboo Qataadah al-Filisteenee, Aboo Muhammad al-Maqdisee, Aboo Mus'ab az-Zarqaawee, Ayman adh-Dhawaahiree, 'Abdul'Azeez Muqrin, Yoosuf al-'Uyayree, Omar Bakri, 'Abdullaah Faisal and their blind-followers. All of these did not benefit or contribute to anything beneficial for the *deen* or for the *dunya* as Shaykh ul-Islaam Ibn Taymiyyah (*raheemahullaah*) mentioned as being one of the hallmarks of those who tried to organize rebellion and revolt. [TN]

² Which indicates that the Divine Legislation (*Sharee'ah*) is established upon *islaah* (rectification), either something is for the rectification of the *deen* or for the rectification of the *dunya*. [TN]

³ Meaning: their fighting was an error as it was a *fitnah*, *khurooj* (revolt) and its likes. [TN]

*from them.” Except if you see, as the Messenger of Allaah (*sallallaahuu alayhi wassallam*) stated, “clear explicit (*buwaahan*) *kufr*.”*

هذا يدل على أنهم لا يجوز لهم منازعة ولاة الأمور ولا الخروج عليهم إلا أن يروا كفراً بواحاً عنهم من الله فيه برهان، وما ذاك إلا لأن الخروج على ولاة الأمور يسبب فساداً كبيراً وشرأً عظيماً، فيختل به الأمن وتضييع الحقوق ولا يتيسر رد عظالم ولا نصرة المظلوم، وتختل السبل ولا تؤمن فيترتب على الخروج على ولاة الأمور فساد عظيم وشر كبير، إلا إذا رأى المسلمين كفراً بواحاً عندهم من الله فيه برهان فلا بأس أن يخرجوا على السلطان لإزالتها إذا كان عندهم قدرة، أما إذا لم تكن عندهم قدرة فلا يخرجون، أو كان الخروج يسبب شراً أكثر فليس لهم الخروج رعاية للمصالح العامة، والقاعدة الشرعية المجمع عليها: أنه لا يجوز إزالة الشر بما هو أشر منه، بل يجب درء الشر بما يزيله أو يخففه، أما درء الشر بشر أكثر فلا يجوز بإجماع المسلمين، فإذا كانت هذه الطائفة التي تريد إزالة هذا السلطان الذي فعل كفراً بواحاً ويكون عندها قدرة على أن تزيله وتضع إماماً صالحاً طيباً دون أن يترتب على ذلك فساد كبير على المسلمين وشر أعظم من شر هذا السلطان فلا بأس. أما إذا كان الخروج يترتب عليه فساد كبير واحتلال الأمن وظلم الناس واغتيال من لا يستحق الاغتيال إلى غير هذا من الفساد العظيم هذا لا يجوز، بل يجب الصبر والسمع والطاعة...”

This indicates that it is not permissible to compete with the people in authority or revolt against them, except if clear and explicit *kufr* is seen from them with which you have a clear proof from Allaah. As revolting against the people in authority causes great corruption, great evil which destabilises security, takes away rights and does not hold back the transgressor or help the oppressed, but blockades the paths. Great evil is based upon revolting against the people in authority, except if the Muslims see clear and explicit *kufr* about which they have a proof for from Allaah then there is no harm in them revolting against such a leader from his position as long as they have the ability to do so. So if they do not have any capability (to revolt) then they should not revolt as such a revolt will bring about a worse situation and they should not revolt. This is for general rectification and the principle of the Divine

Revelation is general applied to it, that it is not permissible to bring an end to evil via something which is worse (than the evil that one wishes to remove), it is obligatory to bring an end to evil with that which is less problematic (than the actual evil). As for challenging evil with that which will increase evil, then that is not permissible. It is obligatory to avert evil with that which is the same as it or less (in negative effect) than it. As for wanting to avert evil with that which will result in increasing evil, then does this agree with the Divine Legislation? Does this agree with rectifying the situation? This does not agree with rectification and does not comply with the Divine Legislation. As for averting evil with that which is more evil than that is not permissible according to the consensus of the Muslims. So if this group which wants to bring an end to this leader who performed clear and explicit (buwaahan) kufr, has the ability to bring an end to it, along with a pious righteous good Imaam, is based upon not causing a greater evil to the Muslims and will not bring about an evil far greater than the evil of the leader (whom they seek to remove) then there is no problem. Yet if the revolt is based on great corruption, the removal of safety and security, oppression of people, occupying those who are not deserving to be, then such (a revolt) is not permissible. Rather, patience is obligatory, listening (to the leader), obedience (to the leader) in that which is good...¹

However Aboo Baseer, who resides in the lands of *kufr*, and those like him from the Khawaarij of the era, view that the *deen* will only return via violent confrontations with the rulers, after having made *takfeer* of them without sufficient explanation, only on a premise that they do not rule by what Allaah has revealed and they strive to incite the youth to

¹ *Maraaj'iaat fee Fiqh il-Waaqi' wal-Fikree fee Daw' il-Kitaab wa's-Sunnah*, pp.25-26.

Translator's Note: Imaam Bin Baaz continued in this *fatwa* saying, carrying on from where the quote left off:

...advice to those responsible for the state of affairs, making du'a for goodness for them, working hard to lesson evil, increasing goodness, all of this is the path of fairness which is incumbent for one to traverse as within that is rectification for the general Muslims. And also within that is lessening the evil and increasing goodness and within that is preserving security and safety for the Muslims from greater evil. This is what the Divine Legislation is established upon, the Divine Legislation of Islaam is based upon achieving beneficial matters and averting harmful matters, achieving goodness and averting evil, achieving guidance and averting misguidance, achieving justice and averting transgression.

confront the governments considering this to be courageous and *eemaan*, as they claim. They are heedless to or feigning heedlessness of, the fact that a confrontation must have the conditions of being prepared for it as the statements of the scholars have highlighted; along with being prepared in *eemaan* and there must be strength, not just in enthusiasm and emotion by inciting people and aggravating them to cause blood-shed. The reality of the situation of the Islamic Ummah in Algeria, Egypt, Syria and in other countries is an example to whoever has a heart or listens.

Finally, I ask Allaah to grant success to the youth of this Ummah so that they return to the truth and to His victory and to save them from the depths of extremism towards personalities and venerating them which corrupts the mind and religion, He is Ever-Able to do that, all praise is due to Allaah, Lord of the Worlds.

Rabee' al-Awwal 1422 [May 2001 CE]

Aboo Noor bin Hasan al-Kurdee